



Council Rules & Procedures

2019

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Chapter 1 – General Governance

AUTHORITY

As authorized by the 1996 Halsey Charter, the City of Halsey Council establishes the following rules for the conduct of its meetings, proceedings and business. These rules shall be in effect from Council adoption until such time as they are amended, added to, deleted or replaced in the manner provided by these rules.

These rules apply equally to the Mayor and Councilors. Within this Council Rules document “members of Council” or “Council members” shall be used to describe the elected officials of the City of Halsey, including the Mayor and the City Councilors.

The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies, or provisions of the City Charter.

These rules shall be presented to all City Council members during the first regular Council meeting in January of odd-number years following general elections. Council will review them and decide if they want to update the ordinance.

Within 30 days of taking office, or within 30 days of a new Council Rules ordinance adoption, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules.

MAYOR & COUNCIL

The Council is the policy making body of the City of Halsey. The Council speaks on adopted policy with one voice. Council decisions may not be unanimous, but once voted upon, define the policy position of the Council, even if individual Council member’s opinions may differ.

Unless delegated authority, Councilors have no authority when acting as individuals. Authority to make decisions and/or create policy for the City resides solely with the majority vote of the Council.

Presiding Officer

The Mayor shall preside at all regular and special meetings, work sessions, and executive sessions of the City Council. The Mayor is entitled to vote in case of a tie vote of the Council.

The Council President shall preside in the absence of the Mayor. When serving as the Presiding Officer, the Council President shall not be deprived of any of the rights and privileges of a Councilor.

In case of the absence of the Mayor and the Council President, the City Administrator shall call the meeting to order and the Council shall elect a chairperson for the meeting by majority vote.

Council Duties & Responsibilities

The role of the Council, on behalf of the Citizens of Halsey, is to assure that the City accomplishes what it should and avoids unacceptable activities and conditions. Accordingly, the Council will:

- a) Engage in contact with citizens of Halsey to represent their needs and the diversity of their opinions
- b) Emphasize strategic over short-term planning, policy over single events,
- c) Prioritize the needs of the community as a whole over individual interests or preferences
- d) Gather all needed information prior to making decisions
- e) Adopt rules for the government of its members and proceedings.
- f) Serve as the Contract Review Board
- g) Serve as the Library Board
- h) Serve as the Appeal Board for decisions made by the Planning Commission and for certain ordinance violations
- i) Comply with federal and state law as well as the ordinances of the City of Halsey

RELATIONS WITH CITIZENS

- a) Council members should welcome public conversation and interaction with citizens, should listen to their ideas and feedback and gather information to help them best represent the needs and priorities of Halsey residents.
- b) Council members should not ask citizens to appear at a Council meeting to state a complaint or question that has not been previously presented to staff. As a first step, Council members should refer the citizen with questions, complaints or suggestions to the City Administrator or the appropriate department. Council members may further explain that if the citizen is not satisfied with the results, they may present their issue during the public input portion of the next Council meeting. Council members should

always inform the City Administrator upon receipt of a citizen inquiry or complaint for which some type of follow up is necessary.

- c) Council members should be welcoming to citizens and other non-staff speakers at public meetings. Council members should ask for clarification where necessary and avoid debate and argument with any member of the public.
- d) In unofficial and non-public meetings or encounters with constituents and other members of the public, Council members should never expressly or impliedly promise Council or staff action of any kind or make any admissions of fault or responsibility on behalf of the City.
- e) All outside communications that represent a Councilmember's individual interests and opinions in opposition to the Council position must clearly indicate that the communication is not representative of the Council position and is the Councilmember's personal position.

Chapter 2 – Meeting Time, Location & Frequency

OPEN MEETINGS

All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law (ORS 192.610 to 192.690) which is herein incorporated by reference into these rules. To the extent that any local procedure conflicts with the Public Meetings Law, the latter shall prevail. No final action of the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at a proceeding that is open to the public.

QUORUM

A majority of the elected officers shall constitute a quorum for Council business. The mayor is an elected officer and may be counted toward quorum. If a Quorum is not present at a duly called meeting of the Council, those present may adjourn the meeting to a later date and time.

Chapter 4, Section 4.3 of the City Charter provides that if less than a quorum is present for a meeting, a smaller number may meet and compel the attendance of absent members in a manner provided by the rules of the council. In that case, a majority of the members present may direct an officer of the Linn County Sheriff's Office to undertake a search for the absent members and bring them to the council meeting. Council members consent to be brought by an officer of the Linn County Sheriff's Office under the direction of the Sheriff when acting under the authority of this rule.

RULES OF ORDER

Proceedings of the Council shall be conducted according to the provisions of the City's Charter, these rules, and, when not so governed, in accordance with the parliamentary procedure contained in *Robert's Rules of Order*. However, strict adherence to the requirements *Robert's Rules of Order* is not required. No action of the Council shall be in violation of this section or deemed invalid for the reason that the action was not in conformance with *Robert's Rules of Order*. Any Councilor may move a question, second a motion, debate and vote.

SPECIAL ACCOMMODATIONS

All Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans with Disabilities Act and that persons needing accommodations may contact the City Administrator's office at least 48 hours prior to the meeting time to request necessary accommodations. Such notice shall provide the telephone number at which the City Administrator may be contacted.

ATTENDANCE

It is the duty of each member of the City Council to strive to attend all meetings of the Council. Councilors will inform the Mayor and the City Administrator if they are unable to attend any meeting. The Mayor will inform the Council President and the City Administrator regarding any absence by the Mayor.

Section 7.1.2 of the Charter allows the Council to declare a vacancy if a member of Council is absent from the city for 30 days without the knowledge of Council, or from all meetings of the Council within a 60-day period.

CANCELLATION OF A MEETING

Upon a majority vote of the members of the City Council present, or if a quorum cannot be assembled, a meeting may be cancelled when deemed appropriate. Notice of cancellation shall be posted on the bulletin board at City hall, distributed to members of the media, and posted on the City website. The Charter requires one regular meeting be held each month, so a new meeting may need to be scheduled and posted to meet this requirement.

RESCHEDULE MEETINGS FOR HOLIDAYS

When the day for any regular scheduled meeting falls on a legal holiday, the meeting for that month shall be rescheduled to a new date and time in which a quorum is available. A new agenda will be posted, and all public meeting noticing requirements will be met.

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 and accessible to the public, and which is located within the jurisdictional limits of the city.
- b) Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
- c) Interjurisdictional meetings may be held outside of the city's jurisdictional limits but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
- d) No council meeting shall be held at any place where discrimination based on an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.

NOTICE

The City recorder shall provide notice of all meetings in accordance with Oregon’s public meeting law.

MEETING STAFFING

The City Administrator shall attend all Council meetings unless excused. The City Administrator may make recommendations to the Council and shall have the right to participate in all Council discussions but has no authority to vote on any decision. The City Administrator may delegate another member of staff to record the minutes and assist with clerical tasks during and after the meeting. Other staff members or the City Attorney may be requested to attend the meeting by the Mayor or the City Administrator, as the budget permits.

PUBLIC RECORDS

The disposition of public records created or received by Councilors shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including electronic mail messages, notes, memos and calendars (e.g., Outlook calendars and “Day timers”) are public records and are subject to disclosure under the Public Records Law. Councilors are responsible for retaining these records themselves or for submitting them to the City to be retained.

Council members are issued emails with a city domain. Councilors must use city emails when conducting city business, as this is maintained and archived by the city.

COUNCIL DECORUM

In general, Council members shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side. Councilors, when addressing staff or members of the public, shall not engage in personal attacks, shall not denounce the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

The following rules should be followed in order to maintain order and decorum during Council discussions:

- a. Council members should come to meetings prepared. Read the packet materials, gather necessary information, have questions answered, and research issues before each meeting.

- b. Council members will limit their comments to the subject matter, item or motion being currently considered by the full Council
- c. Council members should speak only for themselves, and not for other Council members.
- d. Council members should try not to personalize issues and discussions should stay issue oriented and focused on the needs and impacts on the community as a whole.
- e. Council members should be open, direct, and candid in the Council forum.
- f. Council members should give all members of the Council an opportunity to express their views on issues before Council.
- g. Council members should be brief and succinct in stating their views.
- h. Council members should avoid repetition.
- i. Council members should have all issues clarified by staff before proceeding with evaluation or engaging in debate.
- j. If a Council member wishes to discuss a major policy or philosophical issue, it should be scheduled on a future agenda and not raised as an addendum to a current agenda item.

TYPES OF MEETINGS

Regular Meetings

Regular meetings of the Council shall be held at 7:00 p.m. on the second Tuesday of each month, except that the Council shall meet on the second Monday in January following any general election as required by Section 4.2 of the Charter. Regular meetings may not extend longer than 2 hours, unless a motion is approved to extend the session.

Special Meetings

The Mayor, or in the Mayor's absence the President of the Council, may, or at the request of two or more members of the Council, call a special meeting for the Council in accordance with state law. Special meetings are to be utilized only when absolutely necessary.

- a) Written notice of a special meeting shall be given to the Council, media and public, with as much advance (up to 10 days) notice as possible, and no less than 24 hours in advance of the meeting. The notice shall be served on each member personally or electronically, or if the Councilor is not found, left at his or her place of residence. All notice

requirements of ORS 192.640 shall be satisfied before any special meeting can be conducted.

- b) Special meetings of the Council may also be held at any time by common consent of all members of the Council subject to notice requirements being met. Councilors shall keep the City Administrator informed of their current contact information.

Emergency Meetings

Emergency meetings of the Council are Special Meetings that can be called with less than 24 hours advance notice. The meeting will be topic specific and the minutes will state the nature of the emergency justifying less than 24 hours' notice. An attempt must be made to notify interested persons and the media of the need for the emergency meeting.

Work Sessions

Work sessions of the City Council shall be held in accordance with the Oregon Public Meetings Law. [ORS 192.630] Work Sessions are scheduled as needed for the 4th Tuesday of the month or at other dates and times with the consent of the Council. Work Sessions may be held for Council goal setting, information gathering, training or planning for programs or projects. Work sessions are intended to allow for preliminary discussions and information gathering, and the Council is not permitted to take formal or final action on any matter in a work session.

Executive Sessions

Executive sessions shall be held in accordance with the Oregon Public Meetings Law. Matters discussed in executive session shall be exempt from public disclosure pursuant to state statutes. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered. To make a final decision, the Presiding Officer shall call the meeting into open session or place the decision on the agenda of a future open session.

All executive sessions shall be audio recorded as provided for in ORS 192.650(2) unless the Council determines that written minutes should be taken. Material discussed during an Executive Session should be kept confidential and not disclosed, as provided in ORS 192.610 and 192.660. Executive sessions may only be called for topics allowed by state statute. Council must confine all discussion to the subject of the Executive Session.

At the commencement of each executive session, the Presiding Officer must state on the record the purpose of the executive session and that executive session information is confidential and may not be reported.

- a) Only members of the council, City Administrator and persons specifically invited by the City Administrator or the council shall be allowed to attend executive sessions.
- b) Representatives of recognized news media may attend executive sessions, other

than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

- c) No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.

Council members will keep all written materials and verbal information provided to them in executive session or on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Administrator or the City Attorney, except that a Councilor may describe generally the purpose for which an executive session was held.

Public Hearings in General

A public hearing shall be held on each matter required by state law or City policy. Written and oral public testimony shall be heard prior to Council action. Council members should not make judgments or decisions about matters presented at a public hearing until all relevant written material has been reviewed, and all staff, citizen, and Council comments, opinions and recommendations have been considered. Public hearings may be legislative or quasi-judicial.

- a. Legislative hearings (all non-quasi-judicial hearings) may be conducted on matters concerning general community issues, such as certain Code amendments, grant applications, rate increases or comprehensive/master plans. Any interested member of the public may present testimony during the hearing. Notice of legislative hearings shall be given as required by law. Written testimony received by staff prior to the hearing will be presented to the Council in the hearing.
- b. Quasi-judicial hearings shall be conducted when required by law. Such hearings include certain land use decisions and appeals authorized by the Municipal Code. Notice of quasi-judicial hearings shall be given as required by law and to those having party status in the matter.

For Public Hearings Procedures, see Chapter 4.

ORDER OF BUSINESS AND AGENDA

Setting the Agenda

The City Administrator and Mayor shall prepare an agenda of the business to be presented at a Council meeting. The items on the agenda should follow the customary order of business as

established in these rules. A member of the council who wishes to have an item placed on the agenda shall advise the City Administrator or Mayor at least one week prior to the meeting.

The City Administrator shall have the discretion of placing an item on the agenda for the upcoming meeting or for a subsequent meeting because of time constraints or time needed for compilation of materials. If an agenda item is requested to be placed on an agenda and staff isn't able to accommodate the request, then the reason why will be communicated to the person who requested it.

In general, only those items on the Agenda shall be acted upon by Council. Matters deemed to be emergencies or of an urgent nature by the Mayor, a majority of Council, the City Attorney, or the City Administrator may be submitted for Council consideration or action after the Agenda is published. However, any member of Council may request that that item be tabled for a future meeting if they feel the matter is not an emergency, insufficient time has been allowed for investigation or insufficient notice has been given to the public. Council would then vote as a whole to determine whether to consider in the current meeting or table the item.

Agendas and Packets

Agendas and informational material for meetings shall be distributed to the members of Council at least three (3) business days preceding the meeting or as early as possible to allow for reasonable review. If emergency meeting is declared and then information shall be disseminated as soon as practical.

Agendas and packets will also be posted on line and available for public review at City Hall.

Order of Business

Regular meetings may include the following agenda items, subject to the Presiding Officer's right to alter the order of business.

- a) **Call to Order** – The Presiding Officer shall call the meeting to order and note the date and time for the record.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor's attendance or absence in the record. If a quorum is not present, the meeting shall be adjourned.
- c) **Pledge of Allegiance** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Consent Agenda** – The consent agenda shall consist of a list of routine, non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion. Prior to discussion of the consent agenda, the Presiding Officer will ask if any member wishes to have any item removed from the

consent agenda for deliberation. If there is no request made, Council may approve all the items on the consent agenda with a single motion.

- e) **Items Removed from the Consent Agenda** – If an item or items are removed, they will be discussed and resolved separately, after the remainder of the consent agenda is approved.
- f) **Agenda Adjustments** – The Presiding Officer may adjust the order of business for the meeting. Any Councilor or the City Administrator may request an agenda adjustment.
- g) **Delegations** – Generally includes a report from the Linn County Sheriff's Office.
- h) **Citizen Comments** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda or scheduled for public hearing.
- i) **Public Hearings** – As required by state law or City policy, public hearings may be held. Written and oral testimony shall be heard prior to Council action.
- j) **Reports to Council** – Reports from staff and special reports from various boards and commissions may be given at this time.
- k) **Old Business** – Items that are returning to Council for additional review or follow up from a prior meeting will appear in this section.
- l) **New Business** – New administrative items for Council review, requests from other organizations or questions of policy may be presented to Council for consensus or decision.
- m) **First Reading of Ordinances** – The Presiding Officer may request Council's permission to read Ordinances and Resolutions by title only. The Presiding Officer will state that this is the first reading of the Ordinance.
- n) **Second Reading of Ordinances** – Unless an emergency was declared, an Ordinance will be brought for a second reading in a second Council meeting following the first reading.
- o) **Resolutions** – With permission of Council, the Presiding Officer may read the Resolution by title only.
- p) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned, and shall note the time for the record.

Chapter 3 – Ordinances and Resolutions

ORDINANCES

All ordinances must be adopted as established in the Charter.

Ordinances may be read by title only, with unanimous consent of the Council. The presiding officer must ask for that consent in each meeting.

Except as otherwise allowed by the Charter, an ordinance shall be read in open meeting on two different days before being adopted by the Council.

After the first reading, Council may:

- Direct that a public hearing on the ordinance be held;
- Refer the ordinance to committee for review and recommendation;
- Refer the ordinance to city staff for additional research;
- Request an amendment to the ordinance;
- Pass the ordinance to a second reading; or
- Reject the ordinance in whole or in part.

After the second reading, Council may choose to adopt the ordinance.

An ordinance must be adopted by a roll call vote.

An affirmative vote of the majority of membership present of the council shall be necessary to pass an ordinance.

EMERGENCY ORDINANCES

An emergency ordinance may be adopted by the Council if there is a true emergency that requires the ordinance to have an immediate effective date. The basis for the emergency must be set out in the ordinance itself, and the Council must make a finding that an emergency exists. Generally, such a finding would provide that the ordinance is necessary for immediate preservation of the public peace, property, health, or safety. An emergency cannot be declared for an ordinance that levies taxes.

All other ordinances go into effect 30 days after adoption unless Council specifies a later date for an ordinance to take effect.

RESOLUTIONS

A resolution may be read by title only, with unanimous permission by the Council, and may be approved in a single meeting. The presiding officer must ask for that consent in each meeting.

After introduction, the council may:

- Direct that a public hearing on the resolution be held;
- Amend the resolution
- Direct staff to do additional research
- Pass the resolution; or
- Reject the resolution in whole or in part.

A resolution goes into effect immediately unless specified otherwise by Council.

Chapter 4 – Public Hearings

QUASI-JUDICIAL PROCEEDINGS

Quasi-judicial proceedings are those proceedings in which the City Council is required to make findings based on an evidentiary record as to the entitlement. In Quasi-Judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of Quasi-Judicial proceedings include conditional use permits, variances, subdivision map approvals, and enforcement of nuisance provisions.

Ex Parte Communications.

Ex-parte communication is any oral or written communication made with a Council member outside the Council Chambers with any person, except the City Attorney and City Staff when performing their official duties, concerning a Quasi-Judicial proceeding to be heard by the City Council.

Councilors are strongly advised to refrain from engaging in discussions about a pending quasi-judicial decision outside of the public hearing. Councilors are encouraged to redirect citizen concerns or questions or written testimony to City staff, and to invite the citizen to the hearing. Councilors may explain to citizens that participating in ex parte communication may compromise the Councilor's ability to participate in a decision.

Before participating in any quasi-judicial decision, a Councilor shall declare any ex-parte contacts. Effective declaration of an ex-parte contact shall include identification of the party and disclosure of the nature of the communication. The Councilor will state whether such contact affects his/her ability to vote on the matter in an impartial manner and whether he/she will participate or abstain. The presiding officer shall then announce the right of interested parties to rebut the substance of the communication.

Public Hearing Procedures

- a) The Presiding Officer will announce at the commencement of any public hearing subject of the hearing as it is set forth on the agenda. The Mayor will ask Council members if they wish to abstain, declare any ex-parte contact, bias or conflicts of interest. The Mayor will ask if any members of the public wishes to challenge the jurisdiction of the City Council or any individual Council member.
- b) Staff presents the staff report.
- c) Council may ask questions of staff for clarification on issues raised in the staff report.

- d) Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
- e) The applicant or appellant then has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony.
- f) Members of the public are provided an opportunity to present their comments, testimony or argument. Generally, the order of public comment will be: those in favor, those in opposition, and those neither in favor nor opposed.
- g) Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes. There shall be no limitations on speaking time at land use hearings for applicants / appellants. All other speakers shall be limited to five minutes per speaker.
- h) Councilors may ask clarifying or follow up questions of individuals providing testimony after that individual has concluded his or her testimony. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors should be conscious of their use of time and if there will be time for all people present to speak within the limits set by the Presiding Officer.
- i) 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 should announce any such restrictions prior to the commencement of testimony, and such restrictions apply to all speakers. The Presiding Officer may also set an overall time limit for the end of the public hearing.
- j) The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matter.
- k) The applicant or appellant is given an opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for closing comments.
- l) After all testimony is completed, Councilors may also ask clarifying or follow up questions of staff.
- m) At the end of public testimony and questions of staff, the council may 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.

- n) After a public hearing is closed, no member of the public shall address the Council without receiving permission from the Mayor or the Presiding Officer.
- o) If the Council raises new issues through deliberation and seeks to take additional public testimony, (questions of the public, applicant or appellant), the public hearing must be reopened or continued to a specific date and time. At the conclusion of the public testimony, the public hearing is again closed by a majority of the Council.
- p) All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence must be presented to City staff prior to the close of the public hearing and will be retained as part of the official record of the hearing, unless otherwise directed.
- q) Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor.
- r) After the hearing is closed, Council will deliberate and may act on the issue.

Chapter 5 – Motions, Debate, Public Comment & Voting

MOTIONS

Motions may be made by any member of the Council. Any member of the Council, other than the person offering the motion, may second the motion.

The following is the general procedure for making motions:

- a. Motions should be made clearly and concisely.
- b. Before a motion can be considered or debated it must be seconded.
- c. Council members wanting to make a motion should notify the Mayor of their intent to do so.
- d. A Council member wishing to second a motion should do so through a verbal statement.
- e. A motion dies if it does not receive a second.
- f. Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion to the full Council.
- g. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, except that Council members may be allowed to explain their vote
- h. Prior to voting on a motion, the motion should be repeated by the Mayor/Presiding Officer to ensure that the action being taken and meeting record is clear.
- i. At the conclusion of any vote, the Mayor/Presiding Officer will announce the result of the vote.

Withdrawal

A motion may be withdrawn by the mover at any time prior to announcement of the results of the vote without the consent of the Council.

Postpone

A motion to postpone until a certain date and time is debatable and amendable. The matter may be considered later at the same meeting or at a future meeting as stated in the motion. A motion to postpone creates an “order of the day” and adds that agenda item onto that future agenda.

Table

A motion to table an item removes it from consideration with no provision to bring it back at any particular time. A new motion is needed for the item to be reconsidered by the Council. This could be later the same meeting, or the next meeting. If a tabled item is not reintroduced at the next meeting it would need to be added to the agenda for a future meeting to be reconsidered.

Call for Question. A motion to call for the question ends debate on the matter and is not debatable. A second is required for this motion and it fails without a majority vote. Debate may continue if the motion fails.

Amendment

A motion to amend may be made to a previous motion that has been seconded but not voted on. A second is required for this motion. An amendment is made by adding, striking, or substituting words.

Amendments are voted on first, then the main motion as amended or not.

Reconsideration of Actions Taken

Any member who voted with the majority may move for a reconsideration of any action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent of the Council.

COUNCIL DISCUSSION AND DEBATE

Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Administrator. The City Administrator may respond directly or may redirect the inquiry to a staff member.

The following basic format should be followed for addressing each item on the agenda. The Mayor will:

- a. Announce the agenda item, clearly stating the subject of the issue. If it is a public hearing, the Mayor will open the public hearing.

- b. Invite reports from staff, advisory committees, or other persons charged with providing information to the Council.
- c. Ask if any Council Members have any technical questions that require clarification.
- d. Invite or allow for public comments.
- e. Allow time for Council questions and discussion. At this point only members of Council should speak, unless the Mayor chooses to invite someone to speak for clarification.
- f. Invite a motion from the Council and recognize/announce the name of the member making the motion and then the person seconding the motion.
- g. Ensure that the motion is clearly understood, either by repeating it or by asking the clerk or the author of the motion to repeat it.
- h. Ask if there is further discussion on the motion before the Council.
- i. Moderate any further discussion if needed, allowing for normal and reasonable debate, on the motion or any proposed amendments before the question is called.
- j. Determine that the motion is ready for a vote.
- k. Call for the vote.
- l. Announce the result of the vote.
- m. Council members may clarify their views on a particular item prior to taking the formal vote on an item.
- n. When the Council concurs or agrees to an item that does not require a formal motion, the Mayor will summarize the agreement and conclusion of the discussion.

PUBLIC COMMENT

- a) Every regular Council meeting will include an opportunity for citizen comments on non-agenda items.
- b) 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 must wait until that public hearing portion of the meeting. The Citizen Comments period must not be used to testify

about a quasi-judicial land use matter or to provide or gather additional testimony or information after the official record has been closed on any matter which has been the subject of a public hearing.

- c) If a member of the public wishes to speak on an item that is scheduled to be considered on the Agenda, the speaker must wait until that agenda item is presented by staff. Once staff has provided their report to the Council, there will be an opportunity for public comment prior to the Council beginning deliberations. The member of the public who wishes to speak must wait for acknowledgment from the Presiding Officer.
- d) Before providing any public comment, speakers must announce their name and place of residence at the podium to the Council.
- e) Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
- f) In general, members of Council should not respond to comments made during public comment agenda time, except to ask clarifying questions. Any public requests for Council action may be referred to staff.
- g) All remarks must be addressed to the Presiding Officer or to the Council as a whole.
- h) Members of the public should speak only once on an issue. They should not engage in debate or attempt to join in a Council deliberation.

Public Decorum

- A. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
- B. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of the Council.
- C. No audience member may not do anything that actually obstructs the ability of the Council to conduct city business. Any audience member who does so may be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of the Council meeting.
- D. In the event of a loss in decorum, the Presiding Officer has the option to adjourn the meeting. The meeting will be rescheduled and published in compliance with Oregon public meeting law.

VOTING

Pursuant to Section 4.7 of the Charter, the concurrence of a majority of the Council voting when a quorum of the Council is present shall decide any question before it.

General

The Mayor/Presiding Officer will ask for a voice vote for most decisions. Roll call votes are required when requested by a Council member and for votes on all ordinances.

If there is a tie vote, the Mayor may vote to break the tie.

If the vote is a voice vote, the Mayor shall declare the result. The results of the vote shall be clearly set forth in the record.

Abstention

If a Council member abstains because of a legal conflict, he/she is counted as present for quorum purposes and is not deemed to be voting for the purposes of determining whether there has been a majority vote of those members present and voting.

When a Council member abstains or excuses themselves from a portion of a Council meeting because of a legal conflict of interest, the Council member must state the nature of the conflict or bias for the record, and must not participate in the discussion, debate or vote.

Chapter 6 – Minutes

Minutes are the official record of the City Council meetings. They record the substance of a meeting and should be a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript. The minutes are to include, at a minimum:

- a) Members present;
- b) Motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- c) Results of all votes and the vote of each member by name;
- d) The substance of any discussion on any matter; and
- e) A reference to any document discussed at the meeting.

All City Council meetings shall be audio recorded unless the Council determines that written minutes are sufficient for a specific meeting. Draft minutes will be available within two weeks of the meeting. Minutes will remain draft until approved by Council. Minutes will be posted on the agenda for approval at the next regular meeting.

Chapter 7 – Commissions and Committees

Standing Committees

The Planning Commission and the Budget Committee are each required by and must comply with state law. The Library Advisory Committee was established by Council Resolution, and must follow its role and by-laws as established by Council Resolution.

Advisory Committees

From time to time the Mayor may establish an advisory committee to deal with a specific issue or project in the community. An advisory committee is appointed for a specific purpose. It gathers information and works to advise and assist Council on that purpose. It may be dissolved by Council when it is no longer needed. No committee so appointed shall have powers other than advisory to the Council.

Conduct of Commission and Committee Members

Commissioners and Committee members are expected to demonstrate courtesy and civility when interacting with members of the public, with the Council, City employees and each other. They should make every effort to attend every scheduled meeting. Commissioners and Committee members should adhere to the same standards of decorum and conduct as Councilors.

Removals

Commission or Committee members may be removed by the Mayor with the consent of the majority of the Council for:

- a) missing three consecutive regular meetings of the committee or commission;
- b) disruptive or inappropriate behavior prior to, during, or after committee or commission meetings which prohibit the advisory body from completing its business in a timely manner; or
- c) not acting in the best interest of the citizens or City.

Compliance with Public Meeting Laws

Meetings of City Commissions and Advisory Committees are subject must comply with state Public Meeting Laws and the City's Record Retention Schedule. Agendas for meetings must be posted at least 48 hours ahead of time. Minutes must be taken, and copies of the signed minutes and agenda must be kept on file at City Hall.

Chapter 8 – Vacancies and Appointments

VACANCIES ON COUNCIL

All Vacancies and Appointments will be filled as established in the Charter.

A mayor or councilor vacancy will be filled by appointment by a majority of the remaining Council members. The vacancy will be posted and applications will be accepted. After the filing deadline has passed, the Council may conduct public interviews of applicants. The Council will make a decision to fill the vacancy in a public meeting. The appointee's term of office runs from appointment until the end of the term the Councilor or Mayor was appointed to fill.

Eligibility

To be eligible for an elective office, a person must be registered to vote and must have resided within the city limits during the twelve months immediately prior to being elected or appointed. The Council shall determine if a person is qualified to hold elective City office consistent with requirements imposed by the City Charter.

Residency means a person maintains a domicile within City limits.

The Council shall use its best judgement in making a determination on residency and may consider (but are not limited to) any of the following as evidence thereof:

- Voter registration card;
- County verification of time registered at that address;
- Oregon driver license;
- Tax returns; or
- Mail addressed to the Councilor at a street address located within the City limits.

VACANCIES ON COMMISSIONS OR COMMITTEES

When a vacancy occurs on any standing commission, board or committee, a public announcement of the vacancy will be made with sufficient time and information provided regarding the duties of the positions and the process of filing an application. The Council may interview applicants for all Boards and Committees. The Mayor may appoint the members of any board, commission or committee with the approval of a majority vote of the Council.

Chapter 9 – Ethics, Media and Outside Statements

ETHICS & REPORTING REQUIREMENTS

All members of the City Council shall constantly strive to meet the highest ethical standards in their role of City Councilor. Councilors are encouraged to 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 likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station, or economic position.

Code of Conduct

Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:

- a) Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
- b) Making decisions involving business associates, customers, clients, and competitors.
- c) Promoting relatives, clients or employees for boards and commissions.
- d) Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends.
- e) Seeking employment of relatives with the City.
- f) Actions benefiting special interest groups at the expense of the City as whole.

Conflict of Interest

Councilors shall adhere to State laws concerning conflicts of interest. Conflicts of interest arise in situations where a Councilor has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. ORS 244.020.

Councilors shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes. A Councilor must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must

refrain from participating in debate on the issue or from voting on the issue unless allowed by state law. ORS 244.120.

Bias

No Councilor shall participate in any manner in a quasi-judicial decision if the Councilor has actual bias regarding the decision.

- a) "Quasi-judicial decision" means a decision involving the application of existing criteria to identified persons or properties.
- b) "Actual Bias" means prejudice or prejudgment of facts to such a degree that a Councilor is incapable of rendering an objective decision on the merits of the case.

Confidentiality

Councilors will keep all written materials marked as confidential in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Administrator or City Attorney.

- a) If the Council, in executive session, provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
- b) All public statements, information, or press releases relating to a confidential matter will be handled by designated staff, the Mayor, or a designated Councilor.
- c) The Council, by resolution, may censure a member who discloses a confidential matter.

Harassment and Discrimination

Council members commit to conduct themselves in a manner where the dignity and rights of the individual are respected and honored. Harassment in any form will not be tolerated by and between members of City Council, the Mayor, the City Attorney, the Municipal Judge, city employees, city boards, commissions and task forces, and persons appointed to service without pay. The discrimination and harassment policy in the Employee Handbook applies to all paid and unpaid members of the City.

Oregon Government Ethics Commission Requirements and Reporting

- a) Members of the City Council must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
- b) Members of the City council must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, members will maintain the highest standards of ethical conduct and assure fair and equitable treatment of all persons, claims and transactions coming before the Council
- c) In accordance with state law, it is each member's responsibility to file all required statements of economic interest with the Oregon Government Ethics Commission. Councilors may be fined personally by the OGEC for failure or late submission of the SEI report.

MEDIA & OUTSIDE COMMUNICATION

Representing the 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 of Council may only state the official position of the City, as approved by a majority of the Council.

Personal Opinions

If a member of Council, to include the Mayor, appears in the personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor before giving their statement.

SOCIAL MEDIA

Members of the Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon laws as they pertain to public meetings and public records retention schedules.

Under ORS 192.610 or as prescribed by law, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.

As an elected official of the City of Halsey, any comment posted on City business may create a public record. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. Councilors should forward social media posts to the City Administrator or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record. This standard does not apply to personal comments or posts on personal social media platforms that do not include any commentary on City business.

The digital decorum of elected and appointed officials will be governed by the Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government.

City Council members will refrain from posting comments that:

1. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
2. Express an opinion in a manner contrary to Statements to the Media and Outside Communication.

Use of City of Halsey Social Media Sites

- a) Elected officials shall not use official City social media sites for campaigning purposes.
- b) Elected officials shall not post comments or links to any content that endorses or opposes political candidates including themselves or ballot propositions, including links to an elected official's campaign site.
- c) Elected officials should not use social media as a mechanism for conducting official City business other than to informally communicate with the public.
- d) Elected officials should reveal that they are elected officials for the City if/when making a post and be honest, straightforward and respectful.
- e) Elected officials should be sure that efforts to be honest don't result in sharing nonpublic information related to other Councilors, City employees, personnel data, medical information, claims or lawsuits, or other nonpublic or confidential information.

Chapter 10 – Interactions with Staff & City Attorney

Mayor and Councilors shall respect the separation between policy making and administration by:

- a) Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
- b) At all times respecting the administrative functions of the City Administrator and various department heads, and refraining from actions that would undermine the administrative authority of the City Administrator or department heads.
- c) Limiting inquiries and requests for information from staff or department heads to those questions that may be answered readily or with only the most minimal of research.
- d) Questions of a more complex nature shall be addressed to the City Administrator. Such questions should, whenever possible, be put in writing.
- e) Council members will not direct staff to take any action or initiate any project or study without the approval of a majority of the Council. This does not preclude a Councilor from gathering information or sharing ideas or suggestions with the City Administrator about possible upcoming projects.
- f) Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
- g) Council members should never express concerns about the performance of a City employee in public, to a citizen, or to the employee directly. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.

Legal Advice

A Councilor should make requests of the City Attorney through the Mayor or City Administrator. Issues related to the performance of the City Administrator may be requested by the Mayor on behalf of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consult with the City Administrator to ascertain whether the request or action can be accomplished more cost-effectively by alternate means or has already been researched.

TRAINING OPPORTUNITIES

Members of the Council are urged to educate themselves about local government. To that end, as funding allows, Councilors are encouraged to take advantage of training opportunities. Webinar trainings on specific topics of interest are available for free through the CIS website. The League of Oregon Cities offers trainings and workshops for Councilors throughout the year. If a topic is important for the whole Council, an onsite training may be organized for a Council work session. Requests to attend other government related conferences, training seminars and meetings will be presented to the City Administrator for approval. Councilors may be requested to apply for a scholarship if one is available. Councilors shall report on information received from their trainings and conferences at the next available Council meeting upon return.

Expenses and Reimbursement

Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, set forth in the Employee Handbook. Councilor expenditures will require advance City Administrator approval.

Chapter 11 – Censure

Ethics or Professional Conduct Violations

- a) The Council has the right to make and enforce its own rules and to ensure compliance with City and state laws applicable to governing bodies. If a member of the City Council substantially violates these rules or state law, the City Council may take action to protect Council integrity and discipline the member with a public reprimand.
- b) Before taking any action to publicly reprimand or censure a member of the City Council, the Council must plainly state its concerns in writing or in an open public meeting, and the Council member must have a reasonable opportunity to respond.
- c) The Council may thereafter investigate the actions of the member and meet in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(2)(b) the member under investigation may request an open hearing.

Chapter 12 – Amendment and Repeal

Amendment

These rules are subject to amendment by Council.

Any proposed amendment to these rules must be listed on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed and open for comment by the public, except in cases of emergency.

All amendments to these rules require approval by a majority of a quorum of Council.

Amended rules shall not go into effect until the meeting after the rule was approved.

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 must be accompanied by a proposed replacement rule.
- B. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting and the agenda posted prior to the meeting, wherein the same will be discussed, and open for comment by the public.
- C. Any repeal and replacement of these rules requires approval by a majority of a quorum of Council.
- D. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.