

Chapter 1.05
PROCEDURAL RULES
FOR THE CITY COUNCIL OF NORTH PLAINS

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- 1.05.010 Meeting Times
The Council shall meet at 7:00 p.m. on the first and third Mondays of each month in the Council chambers. On holidays, the Council shall meet on the Tuesday following the holiday.
- 1.05.020 Study Sessions
Study sessions of the Council shall be held in accordance with State statutes whenever special circumstances require such a session. Such session shall be called by either the Mayor or two Council members.
- 1.05.030 Special Meetings
Special meetings may be called by the Presiding Officer, by request of any three Councilors, or by the City Manager. 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 Manager, the general public, and the business office of each local newspaper and radio and television station and interested parties which has on file a written request for notice of special meetings. Notice may be delivered by mail, electronic mail, electronic facsimile (FAX), or by personal delivery.
- 1.05.040 Executive Sessions
Executive sessions may be called by the Presiding Officer, any two members of the Council, or the City Manager. Only Council members, the City Manager, and persons specifically invited by the Council or the City Manager, pursuant to ORS Section 192.660, shall be allowed to attend executive sessions. 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 pursuant to ORS 192.660(5). No matter discussed during executive session may be disclosed by any person present during such session.
- 1.05.050 Robert's Rules of Order
Robert's Rules of Order Revised shall be used as the guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's Rules are provided herein.
- The Council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the City in general.
- 1.05.060 Quorum

The Mayor, or in his absence the Council President, or in absence of both, the Councilor elected Acting Council President, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the City Recorder shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.

1.05.065 Absence from Meetings

If a Councilor is going to be unable to attend a meeting, they shall contact City staff as far in advance of the meeting as possible to communicate their absence. If the Councilor does contact the staff, their absence shall be considered an excused absence.

1.05.070 Agenda

The Mayor or City Manager shall approve an agenda of the business to be presented at a regular Council meeting. No item of business shall be added to an agenda after 4:30 p.m. on the Wednesday of the week proceeding the week of the Council meeting for which the agenda has been prepared. The Council shall vote on only matters that appear on the agenda for that meeting or are introduced by a Council member or the Mayor. Council members and the Mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda.

1.05.080 Consent Agenda

In order to make more efficient use of meeting time, the Mayor may place non-fee related resolutions and requests for minute approval which are routine in nature and concerning which no debate is expected on a "consent agenda" to be considered at the next regular meeting.

Any item placed on the consent agenda shall be removed at the request of the Mayor or a Council member prior to the time a vote is taken on the consent agenda items. All remaining items on the consent agenda shall be disposed of by a single motion "to adopt the consent agenda".

Adoption of the consent agenda shall be by the affirmative vote of all Council members present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item in the consent calendar shall be voted upon separately in the usual manner.

1.05.080 Order of Business

The order of business at Council meetings shall be determined by the Presiding Officer of the Council.

1.05.090 Public Hearings

The Presiding Officer shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda. The Presiding Officer shall then declare the hearing to be open and invite a staff report to be presented, after which the applicant shall be heard. After the applicant is heard, any member of the audience may be invited to come forward to be heard. If appropriate, the Presiding Officer may first ask those persons in favor of the stated matter to come forward with those speaking in opposition coming after.

The Presiding Officer may, with the approval of the Council, limit the time and number of speakers at each public hearing. In such event, the Presiding Officer shall so announce such restriction prior to the commencement of the hearing.

Public hearings pertaining to land use actions shall be conducting in accordance with specific rules as determined by ORS Chapters 197 and 227.

1.05.100 Voting Generally

Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice; provided however, upon demand by any member of the Council, a roll call vote shall be made upon any question before the Council. No Councilor may explain the reasons for his or her vote during the roll call unless an abstention from voting is called. In the case of an abstention vote, specific reasons for abstaining is required.

1.05.110 Duty to Vote

Every member present when a question is called shall vote either Aye or No, unless the Council, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest under applicable law, in which case no consent is required. There shall be no debate on such a request. If any member declines to vote, and the result of such action would be to create a tie, that member's vote shall be counted as an aye; in all other situations, that member's vote shall be counted with the majority.

1.05.120 Reconsideration of Action Taken

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

1.05.130 Designation of Hearings Officer to Conduct Special Public Hearings

A hearings officer may be designated by the Presiding Officer to conduct special public hearings, when appropriate.

1.05.140 Sergeant-At-Arms

- A. The Sergeant-at-Arms shall be the Police Chief unless otherwise designated by the Presiding Officer of the Council.
- B. It shall be the duty of the sergeant-at-arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings.

1.05.150 Speaking by Council Members Generally

Every Council member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine the remarks to the question under debate.

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 these 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.

1.05.160 Administrative Staff and City Employees Addressing Council or Public

Members of the administrative staff, and employees of the City, shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

1.05.170 Public Members Addressing the Council

- A. After recognition, any public member desiring to address the Council, shall state their name and address for the record and limit their remarks to the question under discussion. No person shall enter into any discussion without being recognized by the Presiding Officer.
- B. Any public member addressing the Council is limited to five minutes unless further time is granted by the Presiding Officer. No public member may speak more than once upon any one subject until every other public member choosing to speak thereon has spoken. All remarks will be addressed to the Council as a body.
- C. Any person making personal, impertinent, or otherwise improper remarks, or who becomes boisterous, threatening, or otherwise abusive shall be requested to leave the meeting.

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

1.05.180 Order and Decorum During the Council Meetings

Any of the following shall be sufficient cause for the removal of any person from the Council Chambers for the duration of the meeting:

- A. Personal, impertinent, slanderous or unauthorized remarks, loud or disruptive language, noise, or conduct that interferes with the conduct of business by the Council.
- B. Intentional damage to the furnishings and/or interior of the Council Chambers.
- C. Refusal to obey an order of the Presiding Officer, or an order issued by a Councilor which has been approved by a majority of the Council present.

The Presiding Officer shall follow the Disruptive Warning procedure.

1.05.185 Censure of a Council Member

- A. 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.
- B. 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 Council upon a finding that a reasonable ground exists that a substantial violation has occurred.
- C. The Council shall investigate the actions in executive session. No Council member shall have the right to make public any information obtained through such investigation.
- D. Any member accused of a substantial violation of Council rules, or any other general law, shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by legal counsel. Upon finding, by a moral certainty, 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.

1.05.187 Debate

- A. 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.
- B. 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.
- C. 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 they are speaking, in which case the speaker shall cease speaking immediately until the point is determined. If ruled to be in order, the speaker shall be permitted to proceed; if ruled to be out of order he or she shall remain silent or shall alter their remarks as to comply with the ruling.

1.05.188 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. The Presiding Officer may briefly explain his ruling but there shall be no debate on the appeal, and no other member shall participate in the discussion. The Presiding Officer shall then put the 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.

1.05.190 Filling Vacancies on Boards, Commissions and Committees

A. City Board, Commission and Committee Representation

- 1. Any vacancy occurring on the Budget Committee, Library Board, Planning Commission or any other standing board, commission or committee shall be filled as provided by this rule.
- 2. When a vacancy occurs in one of the boards, commissions or committees, the City Recorder shall cause to be published a notice of such vacancy, inviting applications to be filed by all interested, qualified candidates. The filing of the written application from any person eligible for such office shall be considered as placing that person in nomination. The City Recorder shall inquire and

report back to the Mayor whether applicants are eligible to serve in the office to be filled.

3. After the date for filing has expired, the Council shall conduct interviews of all qualified applicants at its next regular meeting.
4. When the Council is satisfied that it has concluded the process of reviewing the qualifications of applicants, the Mayor shall declare the nominations closed and call for a vote. Appointments shall be made by a majority vote.
5. A sitting member of a board, commission or committee may be reappointed to a board, commission or committee by the Council without an open application process if:
 1. The member of the board, commission or committee requests reappointment in writing, and
 2. The City Council waives the requirement for an open application process.

B. Council Representatives to external Boards, Commissions and Committees.

At the first regular meeting of the calendar year, Council shall determine primary and alternate Councilors who shall serve as representatives of the Council on various external boards, commissions and committees. Council shall vote to nominate and appoint Council representatives to the boards, commissions and committees by motion, either individually or collectively.

1.05.195 Member Removal from Committees or Commissions

All members of City Boards, Commissions or Committees serve at the pleasure of the Council except as otherwise provided by law. A member of a commission, committee or board may be removed by the City Council for any reason upon a majority vote of the Council.

Councilors may only act as Council representatives on external boards, commissions and committees in accordance with 4.05.190 (B) while serving in office. Upon expiration of any Councilor's term, or upon their resignation, removal or death, the Councilor's seat on any City Board, Commission or Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed as a replacement.

1.05.200 Filling Vacancies in Elective Office

- A. Vacancies in the position of Mayor or Councilor shall be declared by the Council in accordance with Charter Section 32 and only for reasons

specified in the Charter. The Council shall be made the sole judge of the qualifications of its members.

- B. Declaration of a vacancy shall occur at the Council meeting following any of the occurrences for which a vacancy may be declared.
- C. Prior to determining a vacancy, the Council may conduct a hearing to receive evidence of the existence of a reason to declare such vacancy. The incumbent shall be entitled to appear and rebut such evidence.
- D. Any vacancy shall be declared by resolution of the Council which shall include findings of fact and conclusions of law in support thereof.
- E. Appointments to fill a vacancy in the position of Mayor or a Council position shall be made by the Council in accordance with Charter Section 33.

1.05.210 Conflict of Interest

- A. For purposes of this chapter, “potential conflict of interest” has the meaning as defined in ORS 244.020 (1) and further explained in ORS Sections 244.120 through 244.130.
- B. In the event that any Councilor shall have a potential conflict of interest with respect to any matter before the Council, or may be unable to participate impartially and without bias in a quasi judicial matter, the Councilor shall announce such potential conflict, impartiality or bias on the record prior to any consideration, deliberation or decision of the Council on the matter, and be excused from the Council until consideration of the matter is complete. In any vote on such matter, an excused Councilor shall not be considered present for purposes of a quorum.
- C. In the event of an actual conflict of interest, the Councilor shall not vote or participate in consideration of the issue.

1.05.215 Ex parte Contact

The general public has a right to have Councilors free from pre hearing or ex parte contacts on matters heard by them. Ex parte contact means one side only. An ex parte contact is a conversation or communication concerning the merits of a development proposal. It is also recognized that a countervailing public right is free access to public officials on any matter. Therefore, Councilors shall reveal any significant pre hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing on the matter. If such contacts have impaired the Councilors’ impartiality or ability to vote on the matter, the

Councilor shall so state and shall abstain from participating in any Council action on the item under consideration.

1.05.220 Councilor Authority and Delegation

A. Councilors shall have authority only to act as part of the Council and shall not have individual authority to bind the City or direct the actions of City officers or employees.

B. Notwithstanding subsection A of this section, the Council may delegate specific duties or functions to a Councilor(s) in which case such Councilor(s) shall have such authority as has been expressly delegated.

1.05.230 Requests for Staff Assistance

Councilors shall not direct the activities or workloads of City staff members. Individual requests from a Councilor for staff assistance shall be presented to the City Manager orally or in writing for approval.

1.05.240 Compliance with Council Rules

A. Violations of this chapter by any Councilor shall be brought to the attention of the Mayor or Council President. Upon such notification, the Mayor or Council President shall attempt to resolve the matter and prevent future violation by contact with the offending Councilor. In the event such resolution or prevention fails, the Mayor or Council President shall place the matter on the Council agenda for consideration by the full Council.

B. A Councilor found by the Council to have violated these rules may be publicly reprimanded by the Council.

1.05.250 Minutes

A. Minutes of each meeting shall be prepared by the City Recorder, and shall include at least the following information:

1. All members of the Council present;
2. All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
3. The results of all votes, and the vote of each Councilor; and
4. The substance of any discussion on any matter.

B. Minutes of executive sessions shall be limited consistent with ORS 192.650 through 192.660.

C. The written minutes shall be available to the public for inspection at City Hall upon agenda distribution and shall be maintained as a permanent record of the actions of the Council by the City Recorder.

1.05.260 Ordinances, Resolutions and Orders

- A. Ordinances, Resolutions and Orders shall be adopted pursuant to Charter Chapters IV through VI. Ordinances, Resolutions and Orders adopted by the Council shall be signed by the Mayor and attested by the City Recorder prior to the next regular Council meeting. Ordinances, Resolutions and Orders shall reflect dates of introduction, readings and passage.
- B. Councilors may request of the Mayor that an ordinance or resolution be prepared and placed on the Council agenda for Council consideration. Upon a majority vote of the Council, the item shall be placed on a subsequent meeting agenda for Council discussion.
- C. Each ordinance shall be read twice at two different meetings, unless an emergency exists, in which case the Council determines by unanimous vote of Councilors present, after the first reading, that the ordinance be read again and placed on final passage at the same meeting. An ordinance shall be read by title only unless a majority of the Council present votes to have the first reading of the ordinance in its entirety. Any modifications made to an Ordinance during its consideration be Council shall be read in their entirety during the Council meeting when the revisions are presented for consideration
- D. Copies of Ordinances, Resolutions and Orders included on a Council agenda shall be made available to the public for inspection at City hall upon agenda distribution.

1.05.270 Council Agenda

- A. An agenda for each Council meeting shall be prepared for review by the Mayor and City Manager. Councilors may request of the Mayor or City Manager that specific items be placed on an agenda or may raise matters for Council consideration as New Business. Matters raised as New Business which are not itemized as agenda items shall, unless emergency conditions exist, be deferred to the next regular or special meeting as an agenda item.
- B. The Council agenda shall include the Call to Order, Flag Salute, Roll Call, Consent Agenda, Public Comments, Unfinished Business, Public Hearings, New Business, Staff Reports and other agenda categories as needed. The order of consideration of agenda items shall be as determined by the Mayor.
- C. Each agenda shall include the time, date and place of the meeting and a brief description of the items to be considered.

1.05.280 Committees

The Mayor or Council may establish by Resolution advisory committees to perform specified investigatory or advisory functions. Appointments to such

committees shall be as provided in Section 1.05.190. Any authority granted to such committees shall be clearly delegated in the resolution creating the committee.

1.05.290 Council Officers

- A. At its first regular meeting of each year, the Council shall elect a Council President from its membership. In the Mayor's absence from a Council meeting, the Council President shall preside over Council meetings and exercise other Mayoral responsibilities in absence or incapacity of the Mayor. In the absence or incapacity of both the Mayor and Council President, the Council may nominate and elect by majority vote an Acting Council President who shall have the above duties during such absence or incapacity.
- B. A Council President or Acting Council President may be removed by a vote of two-thirds of the entire Council. During the meeting at which a removal occurs, the Council shall nominate and elect a new Council President or Acting Council President as designated in Subsection A above.

1.05.300 Local Contract Review Board

- A. The City Council is designated as the Local Contract Review Board.
- B. The Local Contract Review Board shall have all powers granted by state law and as defined by Ordinance of the Local Contract Review Board.
- C. The Local Contract Review Board may adopt rules governing the awarding of public contracts as adopted by Ordinance.

Implementing Ord. No. 264, July 6, 1999

Amending Ord. No. 298 with additional implementing Ord. No. 299, October 21, 2002

Amending Ord. No. 305, March 17, 2003

Amending Ord. No. 362, June 18, 2007

Repealing Ord. No. 386, March 1, 2010

Repealing Ord. No. 396, October 3, 2011

Ord. No. 412, February 4, 2013