

CITY OF HOOD RIVER

COUNCIL PROCEDURES



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INTRODUCTION

These rules are adopted as required by the City Charter, Section 13. These rules are reviewed and updated periodically. This version of the Council Rules was adopted on July 24, 2006, by Resolution No. 2006-16.

ORS 192.001 et seq., Public Records, Reports and Meetings and relevant portions of the City Charter and Municipal Code are incorporated into these rules by reference.

It is noted at the outset that the Public Meetings Law is a public attendance law intended to ensure that decisions of governing bodies, such as the City Council, are arrived at openly. The following procedures are designed to effectuate that intent. All meetings are open to the public, except Executive Sessions. Consistent with the Public Meetings Law, although all meetings are open to the public, the public may not be allowed to participate in all meetings, unless required by law or allowed by the governing body.

DEFINITIONS

As used in these Rules, the following mean:

Council Committees. All Council committees, commissions, task forces, and advisory bodies as specified in the Hood River Municipal Code. These rules do not apply to committees, etc., that have been formed under the authority of the City Manager.

Council and Council Members. The Mayor, Council President, and Councilors.

Council Meetings. All regular Council meetings, special meetings, executive sessions, emergency meetings, work sessions, and joint meetings with other Council committees or commissions.

SECTION 1: AUTHORITY

As authorized by the Hood River City Charter of 1991, the Hood River City 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.

SECTION 2: MAYOR AND COUNCIL

2.1 **Presiding Officer.** The Mayor will preside over Council meetings. In the Mayor's absence, the Council President will preside. Whenever the Mayor is unable to perform the functions of the office, the Council President will act as Mayor. In the absence of both the Mayor and Council President, the Council will designate a senior member of the Council to serve as the Presiding Officer.

- 2.2 **Policy Making.** The Council is the policy making body of the City of Hood River. 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 though individual Councilors' opinions may differ.
- 2.3 **Filling Vacancies:** Any vacancy occurring on the City Council will be filled as follows.
- a. When a vacancy occurs, the City Manager shall publish a Notice of Vacancy inviting applications to be filed by interested, qualified candidates. The notice shall state that any information provided is subject to the Oregon Public Record Laws. Candidates must include in their filing a resume describing their background and a statement of the reason(s) why they desire to be considered for appointment. The City Recorder will verify the qualifications of the candidates.
 - b. The Council will establish a date when all applications from eligible persons must be filed with the City Recorder. The filing of a written application is considered as placing that person in nomination.
 - c. After the date for filing has expired, the Council may direct the City Manager to set a time and date for interviews with all candidates. The Council may elect to reopen the vacancy procedure, at its discretion, prior to selection. If the procedure is reopened, a second notice does not need to be published.
 - d. Prior to the date of the interviews, the City Recorder will report back to the City Manager and Council whether the candidates are eligible to serve.
 - e. If the Council is satisfied that it has concluded the process of reviewing potential nominees and the qualifications of the nominees, the presiding officer shall declare the nominations closed and call for a written nominating ballot.
 - f. The Mayor and each Councilor will vote for one person among the nominees on the nominating ballot. Those persons who receive the two largest number of votes are designated as the nominees for the final written electing ballot, provided, however, that any nominee receiving five (5) votes is considered elected to fill the vacancy.
 - g. If only one (1) person is placed in nomination, a motion to direct the City Recorder to record a unanimous ballot for that person is in order.
 - h. The City Recorder and City Attorney act as tellers on the balloting and declare the results of each ballot. The tellers may declare the vote of each Councilor upon request by the majority of Councilors voting.

- i. A majority vote of the remaining members of the Council for a candidate for a Council vacancy is necessary to constitute a choice on the final electing ballot.
- j. In the event that no nominee for any vacancy receives the necessary number of votes, additional ballots must be taken until one of the nominees receives the required number of votes.
- k. During the vacancy filling process, the Council will fill as many vacant positions as possible according to the procedure described above.

SECTION 3: COUNCIL MEETINGS

- 3.1 **Regular Meetings.** Regular meetings of the Council are held on the second and fourth Monday of each month immediately following the Council Work Session and generally adjourn no later than 9:00 p.m., but may be extended by a consensus of the Council. Regular meetings are held at the Hood River Municipal Courtroom. The time, date, and/or location of the Regular Meeting may be changed from time to time for special circumstances (For example: holidays, joint meetings with other governing bodies, expected large audience, or to have a quorum present). Regular meeting notice requirements will be followed for any changes to regular meetings.
- 3.2 **Work Sessions.** Work Sessions of the Council are held on the second and fourth Monday of each month immediately preceding the Regular Meeting. Work Sessions begin at 6:00 PM in the Council Chambers at the Hood River Municipal Courtroom.
- 3.3 **Special Meetings.** Special meetings of the Council may be called by the Mayor or by the President of the Council in the Mayor's absence, or by consent of a majority of Councilors, by giving notice of the meeting to the Council members and the public at least 24 hours in advance. Special meetings will be topic specific.
- 3.4 **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.
- 3.5 **Workshop or Training Meetings.** Workshop or training meetings of the Council may be held at the convenience of the Council at a time when as many Councilors as possible can attend. These meetings may be held for Council goal setting, new Council training, Council retreats, or longer workshops for planning programs or projects. Goal setting sessions and retreats may be held out of town so long as no decision making or discussion toward decisions occurs. Any goals arrived at by

the process should be confirmed in public at a Regular Meeting. These meetings are public meetings open to public attendance and may be held without opportunity for public input.

- 3.6 Executive Sessions. Executive sessions may be scheduled at any time during a meeting, and usually occur before work session or after the regular meeting. Under state public meeting laws, the topics that may be discussed in executive session are limited to the following:

Employment of specific public officers, employees and agents and under limited circumstances. ORS 192.660(2)(a)

Discipline or dismissal of individual public officers and employees, unless the individual requests a public hearing. ORS 192.660(2)(b)

Performance evaluations of public officers and employees, unless the person being evaluated requests a public/open evaluation. ORS 192.660(2)(i)

Labor negotiator consultations. ORS 192.660(2)(d)

Discussion of exempt public records. ORS 192.660(2)(f)

Legal counsel re: litigation or litigation likely to be filed. ORS 192.660(2)(h)

Real property transactions. ORS 192.660(1)(e)

Public investments. ORS 192.660(2)(j)

Media representatives are allowed to attend executive sessions subject to the understanding that information from the meetings, that is the proper subject of an executive session, will not be reported. The Council has discretion to determine who qualifies as media for purposes of attendance at an executive session.

Councilors and staff should not discuss executive session matters following an executive session because doing so may permit the media to report on the matter. However, this restriction on disclosure does not apply to any formal action that may be taken following 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. If this is not done, the proceedings may be reported.

- 3.7 Attendance. Councilors need to inform the Mayor, Council President, City Manager, or City Recorder if unable to attend any Council meeting. The Mayor

will inform the Council President, City Manager and City Recorder if unable to attend any Council meeting.

SECTION 4: AGENDA AND ORDER OF BUSINESS

4.1 Agenda Content. Council Regular Meetings and Work Sessions will generally follow the following order of business. The Mayor may consider agenda items out of order as necessary to facilitate the efficient management of the meeting:

a. **PUBLIC HEARINGS**

Public hearings will generally precede the Work Session and Regular Meeting, but may be held at any time. The procedures governing the public hearing at issue will be in a written form and provided to the Presiding Officer at the time of the hearing. The time allotted for a public hearing may be extended by the Presiding Officer or with consensus of the Council as necessary to conclude the matter; otherwise, the hearing shall be continued.

1. **NON-LAND USE HEARINGS.** Hearings on non-land use matters and issues are calendared and held as necessary.

2. **LAND USE HEARINGS.** Land use hearings may be legislative or quasi-judicial.

3. The procedures for public hearings are contained in the Appendix.

b. **WORK SESSION**

1. **CALL TO ORDER**

2. **FLAG SALUTE**

3. **AGENDA ADDITIONS OR CORRECTIONS**

4. **DISCUSSION ITEMS**

5. **ADJOURN WORK SESSION**

c. **REGULAR MEETING**

1. **OPEN MEETING**

2. **AGENDA ADDITIONS OR CORRECTIONS**

3. **CONSENT AGENDA.** Consent agenda items are business items about which there is expected to be no conflict and are generally routine

business items. Consent agenda items usually include Action on Minutes and Payment of Approved Claims, and other items on which a consensus has been reached during Work Session, and which do not require a roll call vote.

4. BUSINESS FROM THE AUDIENCE. This is the time for citizen participation during which citizens may comment on both agenda and non-agenda issues (except with respect to matters that are the subject of a public hearing). Members of the public desiring to address the Council must first be recognized by the Presiding Officer and then state their name and address for the record. Each person will have up to three minutes to present their comments, with a maximum of 15 minutes allotted to Business From the Audience. Groups with like comments will be asked to choose a spokesperson who will present their joint remarks. If additional time is needed the Presiding Officer will determine the need and additional time limit. The Council may not take action on any item under Business from the Audience, but may ask questions for clarification and, with consensus of Council, direct staff to report back on the matter at a subsequent meeting.

5. REPORT OF COMMITTEES. This is the time for Councilors to report on the business of committees in which they participate on behalf of the City. This agenda item is on the second monthly meeting agenda only.

6. REPORT OF OFFICERS

7. MAYOR'S REPORT

8. COUNCIL CALL. This is the time in which individual Councilors may report on issues or concerns of City-wide interest. The Council may not take action on any item under Council Call, but may with consensus of Council direct staff to report back on the matter at a subsequent meeting or place the matter on a future agenda.

9. ADJOURN REGULAR MEETING

4.2 Agenda Preparation.

a. The City Manager sets the agenda for each Council meeting. The City Manager maintains a 2-3 meeting preliminary agenda. Items may be placed on a preliminary agenda by consensus of Council or by the Mayor, City Manager, or City Attorney.

b. The City Recorder prepares the agenda, specifying the time and place of the meeting, including a brief general description of each item to be considered by Council, and including any packet materials to be attached to the agenda. The

City Recorder prepares the packet on the 4th business day prior to the meeting (Wednesday for a Monday meeting) and all materials for the packet must be provided to the City Recorder by 12:00pm (noon) on that day. Agendas and packets are distributed to Council and available to the public for review or purchase not later than the 2nd business day prior to the meeting (Friday for a Monday meeting).

c. Agenda items should be added to the Council agenda after it is printed and distributed only when required by business necessity. An item will be placed on the Council agenda after the agenda is printed after the Mayor or City Manager explains the necessity and receives the consent of the Mayor or Presiding Officer. The City Recorder will notify the media and any known interested citizens as soon as possible after receiving information about agenda additions. The addition of agenda items after the agenda has been printed is otherwise discouraged.

SECTION 5: COUNCIL DISCUSSION AT PUBLIC MEETINGS

- 5.1 General. Councilors should ask the Mayor to be recognized, be direct and candid, speak one at a time, ask questions to clarify information, and be conscious of time limits during discussions. Councilors are responsible for facilitating discussions.
- 5.2 Public Hearings. 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. When necessary, it may be appropriate to defer action on a hearing to request new or additional information (subject to evidentiary limitations).
- 5.3 Discussion and Decision Making.
 - a. During decision making, there should be full discussion of opinions and differences. After a decision has been made and vote taken, that decision is the official decision of the Council. Council members should not criticize other Councilors or staff for acting on a decision with which the Council member does not agree. Council members may, however, point out how their individual opinion differs from the majority.
 - b. 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.
 - c. Councilors may clarify their views on a particular item prior to taking the formal vote on an item.

5.4 Decorum and Order.

- a. The Presiding Officer preserves decorum and decides all points of order. Councilors help the Presiding Officer preserve decorum during Council meetings and are required to follow the direction of the Presiding Officer and these Council Rules.
- b. Councilors should not use their opportunity to speak to engage in personal attack or impugn the motives of any speaker. In the event a Councilor is personally offended by the actions or remarks of the Mayor or another Councilor, they should note the action or actual words used and call for a “point of personal privilege” that challenges the other Council member to justify the action or language used.
- c. The Presiding Officer, or any Councilor upon motion and majority vote, may remove any person who does not follow these rules and causes repeated disruption of the meeting. If a meeting is disrupted, the Mayor may order that the Council Chambers be cleared and a recess called until order is restored.

SECTION 6: COUNCIL MOTIONS AT PUBLIC MEETINGS

6.1 General.

- a. Unless otherwise provided for by these rules and by law in the opinion of the City Attorney, the procedure for Council meetings will be governed by Robert’s Rules of Order (latest edition).
- b. Councilors should clearly and concisely state their motions. The Mayor will state the names of the Councilor who made the motion and made the second. The Mayor may make a motion or a second, provided that they first designate the Council President, or in their absence a senior member of Council, as the presiding officer during consideration of the matter.
- c. Prior to voting on a motion, the motion should be repeated by the City Recorder or Mayor to ensure that the action being taken and meeting record is clear.
- d. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second.
- e. The Mayor will ask for a voice vote for all final decisions. Roll call votes are required when otherwise requested by a Councilor and for votes on all ordinances.

f. At the conclusion of any vote, the Mayor will announce the result of the vote. Councilors may change their vote prior to the Mayor announcing the results of the vote.

6.2 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.

6.3 Passage and Tie. A motion passes only if it receives four or more votes, regardless of the number of Councilors present. A motion fails in the event of a tie vote.

6.4 Postpone.

a. A motion to postpone to a certain time is debatable and amendable. The matter may be considered later at the same meeting or at a future meeting.

b. A motion to postpone indefinitely is debatable and is not amendable. It may be reconsidered at the same meeting only if approved by an affirmative vote. This motion does not really postpone the matter, but effectively rejects the matter without a direct vote.

6.5 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.

6.6 Amendment.

a. 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.

b. Motions to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration, and take from the table may not be amended.

c. Amendments are voted on first, then the main motion as amended.

6.7 Reconsideration. When a question has been decided, any Council member who voted in the majority may move for reconsideration. The motion for reconsideration must be made before adjournment of the meeting in which final action on the ordinance, resolution, order or other decision was taken.

SECTION 7: COUNCIL RELATIONS AND COMMUNICATIONS

7.1 Council Relations With Staff.

a. Questions of City staff and/or requests for additional information should be directed to the City Manager or a Department Head through the City Manager. However, simple questions readily answerable may be directed to a Department

Head or senior staff member. Materials or information supplied in response will be provided to all Councilors.

b. When questions relate to matters on a meeting agenda, Councilors are encouraged to present their questions to the City Manager prior to the meeting when possible. This helps to resolve common questions or issues prior to the meeting so that substantive discussion and action can take place at the meeting.

c. Mayor and Councilors will not direct staff to take any action or initiate any project or study without the approval of a majority of the Council.

d. Councilors should never express concerns about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

7.2 Council Relations With One Another in Public Meetings.

a. The City Council is comprised of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the community. The public stage is provided during business meetings and should be used to show how individuals with disparate points of view can find common ground and seek compromise designed to benefit the community as a whole.

b. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democracy in action.

7.3 Council Relations With Citizens, Other Public Agencies, Community Organizations and Media.

a. Councilors 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, Councilors should refer the citizen with questions, complaints or suggestions to the City Manager or the appropriate Department Head. Councilors 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. Councilors should always inform the City Manager upon receipt of a citizen inquiry or complaint for which some type of follow up is necessary.

b. Councilors should be welcoming to citizens and other non-staff speakers at public meetings. Councilors should ask for clarification where necessary and avoid debate and argument with any member of the public.

- c. In unofficial and non-public meetings or encounters with constituents and other members of the public, Councilors 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.
- d. All outside communications that represent a Councilor'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 Councilor's personal position.
- e. If a Councilor represents the City or Council before another governmental agency, a community organization, or the media, the Councilor should first state the Council majority position and then may, thereafter, state the minority position. Personal opinions and comments should be expressed only if the Council member makes clear that the opinions and comments are their own.
- f. A Councilor should obtain appropriate permission before representing another Councilor's view or position in public.
- g. Councilors should use discretion in disseminating staff opinions, correspondence or other staff reports regarding on-going issues prior to the issues being resolved. This is particularly important because disclosure of a document or information may result in the document or information losing any protected or privileged status it may have had under the Public Records Law or other law.

SECTION 8: CODE OF ETHICS

8.1 Impartiality and Fairness. 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 constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or interest group at the expense of the City as a whole. 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, gender, social station or economic position.

8.2 Oregon Statutes on Government Standards and Practices. All Council members are individually responsible for compliance with the Oregon Revised Statutes governing the ethical conduct of public employees and officials. Violation of these statutes may result in personal liability.

SECTION 9: COUNCIL MEETING STAFFING

9.1 City Manager. The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote.

9.2 City Attorney. The City Attorney will attend all Council meetings unless excused, and will upon request, give an opinion, either written or oral, on legal questions. The City Attorney acts as the Council's Parliamentarian. The Parliamentarian advises the Presiding Officer on matters of parliamentary procedure; the Presiding Officer has the authority to rule on questions of order or to answer parliamentary inquiries.

9.3 City Recorder. The City Recorder will attend all Council meetings unless excused and keep the official minutes and perform other such duties as may be needed for the orderly conduct of the meeting.

9.4 Other Staff. The City Manager will determine any other department heads that may need to attend Council meetings.

SECTION 10: COMMITTEES

10.1 Appointment and Removal Generally.

a. Council members will encourage broad participation on Council committee by generally limiting the number of terms a citizen may serve on the same committee.

b. A citizen should not serve on more than two Council committees simultaneously. Any citizen serving on two Council committees may not be the chairperson of both committees simultaneously.

c. Upon consensus of Council, a citizen may be removed from a Council committee prior to expiration of term of office. Removal of Planning Commissioners is subject to HRMC Chapter 2.36. Notice of removal to the affected committee member shall be handled with respect and courtesy.

10.2 Filling Planning Commission and Budget Committee Vacancies: Any vacancy occurring on the Planning Commission or City Budget Committee will be filled as follows.

a. When a vacancy occurs on the Budget Committee or the Planning Commission, the Council may reappoint the member whose term has expired if the Council believes circumstances warrant reappointment. In all other cases, when a vacancy occurs on the Budget Committee or Planning Commission, the City Manager shall publish a Notice of Vacancy inviting applications to be filed by interested, qualified candidates. The notice shall state that any information

provided is subject to the Oregon Public Record Laws. Candidates must include in their filing a resume describing their background and a statement of the reason (s) why they desire to be considered for appointment. The City Recorder will verify the qualifications, if any, of the candidates.

b. The Council will establish a closing date when all applications from eligible persons must be filed with the City Recorder. The filing of a written application is considered as placing that person in nomination. If all vacancies are not filled after the conclusion of the process outlined in this section, the closing date will remain open for the unfilled vacancy until the vacancy is filled.

c. After the closing date, the Council may direct the City Manager to set a time and date for interviews with all candidates. The Council may elect to reopen the vacancy procedure, at its discretion, prior to selection. If the procedure is reopened, a second notice does not need to be published.

d. Prior to the date of the interviews, the City Recorder will report back to the City Manager and Council whether the candidates are eligible to serve.

e. If the Council is satisfied that it has concluded the process of reviewing potential nominees and the qualifications of the nominees, the presiding officer shall declare the nominations closed and call for a written nominating ballot.

f. The Mayor and each Councilor will vote for one person among the nominees on the nominating ballot. Those persons who receive the two largest number of votes are designated as the nominees for the final written electing ballot, provided, however, that any nominee receiving five (5) votes is considered elected to fill the vacancy.

g. If only one (1) person is placed in nomination, a motion to direct the City Recorder to record a unanimous ballot for that person is in order.

h. The City Recorder and City Attorney act as tellers on the balloting and declare the results of each ballot. The tellers may declare the vote of each Councilor upon request by the majority of Councilors voting.

i. A majority vote of the remaining members of the Council for a candidate for a Commission or Committee vacancy is necessary to constitute a choice on the final electing ballot.

j. In the event that no nominee for any vacancy receives the necessary number of votes, additional ballots must be taken until one of the nominees receives the required number of votes.

k. During the vacancy filling process, the Council will fill as many vacant positions as possible according to the procedure described above.

10.3 Filling Vacancies on Other Committees.

a. Except as provided in Section 11.2 and except as may otherwise be provided by the Council when establishing other committees, the Mayor will appoint the members of Council to committees with the consent of Council. The Mayor may request assistance or recommendations from Councilors in making appointment recommendations.

10.4 Liaisons/Representatives to Other Agencies.

a. The Mayor may appoint City liaisons or representatives to all committees and task forces of other agencies and community organizations for which participation of an elected or appointed official from the City is determined to be necessary or beneficial to the City. The Mayor may remove the liaison or representative upon consensus of the Council.

b. Councilors and other appointed officials interested in a subject area should inform the Mayor of their interest and the Mayor should take these interests into account when making the appointment. Appointments should be made annually and rotated as needed.

c. Council appointees should make every effort to attend all meetings of the committee or task force, etc., to which they have been appointed. If an appointee fails to attend 3 or more consecutive meetings, the Mayor may remove the appointee.

d. The primary role of an appointee is to facilitate communication between the relevant committee and the Council and to represent the City's interests as determined by a majority of the Council.

e. Appointees are required to report to the Council on significant and important activities of each committee to which they have been assigned at the second Council meeting each month. Reports are usually made orally.

SECTION 11: USE AND DISCLOSURE OF CONFIDENTIAL INFORMATION

11.1 Definition. For the purposes of this section, "confidential" means anything done or communicated in a manner denoting confidence or secrecy, including, but not limited to, information designed to be held in trust or labeled as confidential; information not subject to public disclosure under the State public records or public meetings laws; information disclosed during or in connection with a privileged or protected relationship, such as between an attorney and client; and other information determined to be essential to the fiduciary duties of an elected official to the City. All matters properly discussed in executive session are confidential.

11.2 **Disclosure of Confidential Information.** Councilors must keep in complete confidence confidential information to insure that the City's position is not compromised. Confidential information may be disclosed or otherwise released to the public upon a consensus determination by the Council that confidentiality is no longer necessary, or if otherwise instructed by the City Attorney.

11.3 **Improper Disclosure.** Improper disclosure of confidential information is deemed an act outside the course and scope of disclosing the Councilor's agency relationship with the City and may subject the Councilor to forfeiture of the protections under the Oregon Tort Claims Act, including the right to defense and indemnification, for any damages or liability resulting from or relating to the disclosure of the confidential information.

11.4 **Statements Relating to Confidential Matters.** All public statements, information, or press releases on confidential matters will be made by designated staff or Council representative.

11.5 **Written Materials.** Council members must keep all confidential written materials in complete confidence.

11.6 **Executive Session.** Council members may not communicate any information from any executive session to the media or anyone who was not present at the executive session unless authorized by a consensus of the Council. Information from an executive session does not include information or direction made after the executive session is closed and the regular meeting resumed. If staff is given direction to proceed with negotiations or litigation in a specific matter, Council members may not have any contact or discussion on the matter or subject with any other party or its representative, or otherwise take steps that might interfere with the direction given to staff by Council.

SECTION 12: MEDIA

12.1 **Open Meetings.** All public meetings of the Council and its committees are required by Oregon law to be open to the media, freely subject to recording by any electronic means or photographic means at any time, provided that the arrangements do not interfere with the orderly conduct of the meeting. The Council does have discretion, however, to determine who or what constitutes "the media."

12.2 **Media Attendance at Executive Sessions.** Media representatives are allowed to attend most Council executive sessions subject to the understanding that issues will not be reported. Upon opening the executive session, the Mayor specifies what may or may not be reported. The public meetings statute allows the general subject of the discussion to be disclosed. Media representatives are not allowed to tape or video record executive sessions. Media representatives may be restricted from attending executive sessions involving deliberations with persons designated by Council to carry on labor negotiations.

SECTION 13: SUSPENSION OR AMENDMENT OF COUNCIL RULES

13.1 Suspension. Any provision of these rules not governed by State law, the City Charter or City Code may be temporarily suspended by a majority vote of the Council

13.2 Amendment. These Rules are in effect from adoption until amended or repealed. Amendments, deletions, additions, or repeal to the Council Rules are made by resolution adopted by the Council.

APPENDIX

PROCEDURE FOR PUBLIC HEARINGS

1. Quasi-Judicial Hearings—Ex Parte Contacts and Disqualification.

- a. Ex parte contacts are an issue only in quasi-judicial proceedings. The term “ex parte” is defined as; “on one side only; by or for one party; done for, in behalf of, or on the application of, one party only”. An ex parte contact is more often a conversation or other contact with the applicant or a witness concerning an application or other quasi-judicial matter. It is not a conversation with staff, or conversation between two Council members or Planning Commission members. It is a conversation between a Council member and a Planning Commission member, or discussion of an application at an unnoticed public meeting, a letter received individually, or a conversation with the applicant or a person interested in the proceeding. Site visits and attendance at a Planning Commission public hearing on a quasi-judicial matter are also ex parte contacts.
- b. The existence of an ex parte contact or bias will not render the decision void so long as the ex parte contact is disclosed on the record as provided below.
- c. All ex parte contacts must be disclosed on the record at the first hearing following the communication. The disclosure must explain the substance of the communication, not just the existence. The disclosure must also be public, giving interested persons or parties the right to rebut the substance of the communication. The Councilor must also state whether the ex parte contact affects the Councilor’s impartiality or ability to vote on the matter. The Councilor must state whether he or she will participate or abstain.
- d. Bias of hearing body member may result from ex parte contacts, or conflicts of interest, or something else. The public and other hearing body members always have the opportunity to challenge a hearing body member’s ability to be impartial.
- e. Although a Councilor may choose to participate, notwithstanding an ex parte contact or bias, the Councilor may be disqualified from the hearing by a majority vote of the Council. The Councilor disqualified shall not participate in the debate, shall step down from the bench for that portion of the meeting and cannot vote on that motion.
- f. A Councilor who was absent during the presentation of evidence cannot participate in any deliberations or decisions regarding the matter unless the Councilor has reviewed all the evidence and testimony received, and disclosed for the record that they have done so.

2. Conducting Legislative Hearings. The following is the general order of legislative public hearing proceedings:

- a. The Mayor, or Presiding Officer, announces the convening of the Public Hearing and announces the nature of the matter to be heard as it is set forth on the agenda.
- b. Discussion of Conflict of Interest of any members of Council.
- c. The Mayor declares the hearing to be open and invites members of the audience to be heard in the following order:
 1. Staff Report
 2. Correspondence
 3. Persons to speak in support of the matter
 4. Persons to speak in opposition of matter
 5. Persons to speak neither for nor against the matter
 6. Staff Rebuttal
- d. The Mayor closes the public hearing.
- e. The Mayor calls for deliberations to start.
- f. Council deliberations and vote.

3. Conducting Quasi-Judicial Land Use Hearings. The following is the general order of quasi-judicial public hearing proceedings:

- a. Conduct of Quasi-Judicial Hearings for land use hearings must conform to the requirements in Oregon Revised Statutes (ORS Ch. 197 and 227).
- b. The Mayor announces prior to opening the hearing the nature of the matter to be heard as set forth on the agenda and the procedure to be followed for the hearing.
- c. The Mayor gives notice that failure to address criteria or raise any other issue with sufficient specificity precludes an appeal on that criteria or issue.
- d. Discussion of jurisdiction and impartiality of the Council.
- e. The Mayor then declares the hearing to be open and invites members of the audience to be heard in the following order:

1. Staff Report/Introduction of the Appeal
2. Correspondence
3. Applicant or Appellant's Presentation
4. Other Testimony in support of the application or appeal
5. Testimony in opposition of matter
6. Testimony neither for nor against the matter
7. Applicant or Appellant's rebuttal and recommendation
8. Staff's rebuttal and recommendation
9. Questions from Council to staff

f. The Mayor closes the hearing and takes no further testimony from the audience.

g. Council deliberates and votes.

h. The Council has the discretion to adopt the findings or direct the staff or prevailing party to submit proposed findings for Council consideration and adoption at a future meeting.

i. Mayor closes the hearing. Under certain circumstances, the record may be left open. Consult with staff.