



# **RULES OF THE STAYTON CITY COUNCIL**

**Adopted July 19, 2021 – Resolution No. 1027**

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# CHAPTER 1 – GENERAL GOVERNANCE

## I. RULES OF PROCEDURE

- A. Chapter III, Section 11 of the City of Stayton Charter authorizes the Council to adopt rules of procedure for Council meetings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings and any subcommittee of the Council, will be guided by Robert’s Rules of Order, 11<sup>th</sup> edition.
- B. To maintain orderly procedures, members of the Council should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert’s Rules of Order when such points could obscure the issues before the Council and confuse the public.
- C. Whenever these rules and Robert’s Rules of Order conflict, these rules shall govern.

## II. QUORUM

- A. A quorum is required to conduct official City business. Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members.<sup>1</sup>
- B. In the event a quorum is not present, the members of council present shall adjourn the meeting.

## III. PRESIDING OFFICER

- A. The Mayor shall preside over all meetings. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- B. A Council President shall be elected by the City Council at its first regularly scheduled meeting of each calendar year.
- C. In the Mayor’s absence, the Council President shall preside over the meeting.
- D. If both the Mayor and the Council President are absent from the meeting, the following procedure may be utilized to determine the Presiding Officer for the meeting:
  - 1. Any member of the Council present at a meeting may call the Council to order.
  - 2. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
- E. Should either the Mayor or the Council President arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

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<sup>1</sup> City of Stayton Charter, Chapter III, Section 13 – Quorum: “Three or more Council members are a quorum to conduct business, but two members may meet and compel attendance of absent members as prescribed by Council Rules.

#### IV. OTHER ELECTED AND APPOINTED OFFICERS

- A. **City Recorder.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meeting laws.
- B. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and to assist in answering questions. The City Manager may participate in any discussion, when recognized by the presiding officer. However, the City Manager has no authority to vote on any decision rendered by the Council.
- C. **City Attorney.** The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

#### V. AGENDAS

- A. The City Manager shall prepare an agenda for every regular meeting, and, if requested by the Presiding Officer, for every special meeting.
- B. Agendas and informational material for meetings shall be distributed to the Council no less than 5 days preceding the meeting.
- C. No Council approval shall be required for an agenda of any meeting.
- D. The City Manager may place routine items referred by staff on the agenda without Council approval or action.
- E. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal under announcements.
- F. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
- G. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

#### VI. ORDER OF BUSINESS

- A. The Mayor, or Council President, as the Presiding Officer, has the authority to determine the order of business at any meeting of the Council when it appears to be in the best interest of the public.
- B. The order of business for all regular meetings shall be as follows:
  - 1. Call to Order. The Presiding Officer announces the opening of the meeting and leads the pledge of allegiance.

2. Announcements. Additions to the agenda and declarations of conflict of interest or ex parte communication.
3. Appointments. Mayoral appointments to City's boards, commissions, and committees.
4. Public Comments. Public comments received concerning matters not on the agenda for the meeting.
5. Consent Agenda. Routine items to be adopted by one motion of the Council.
6. Public Hearings. Public hearings on legislative or quasi-judicial land use matters, and public hearings on all other matters.
7. General Business. Considerations of ordinances, resolutions, contracts, policy statements, and other items.
8. Communications from Mayor and Councilors. Announcements and information provided by members of the Council.
9. Communication from City Staff. Announcements and information provided by members of City staff.
10. Adjournment. The conclusion of the meeting.

C. Public Comment

1. One period for public comment will be reserved for every regular meeting of the Council.
2. Meetings shall allow for in-person, virtual, or written public comment. If a community member has a barrier which prevents them from participating via one of the methods below, they should contact City staff no less than three hours prior to the meeting start time to make arrangements to participate.

All parties interested in providing public comment at the beginning of the meeting shall participate using one of the following methods:

- a. **In-Person Comment**: Parties interested in providing in-person verbal public comment shall fill out a "Request for Recognition" form and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
- b. **Video or Audio Conference Call**: Parties interested in providing virtual public comment shall contact City staff at least three hours prior to the meeting start time with their request. Staff will collect their contact information and provide them with instructions on how to access the meeting virtually to provide comment.
- c. **Written Comment**: Written public comment shall be submitted to City staff at least three hours prior to the Council meeting start time. Written comment received at least three hours prior to the meeting will be provided to the City Council in advance of the meeting and added to the City Council's webpage where agenda packets are posted.

3. 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. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. If a member of the public wishes to speak on an item that is scheduled to be considered under General Business, the speaker must wait until the agenda item is presented by staff. Once staff has provided their report to the Council, there will be a time for public comment prior to the Council beginning deliberations.
5. 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.
6. Before providing any public comment, speakers must announce the person's name and place of residence at the podium to the Council.
7. Members of the Council may, after obtaining the floor, ask questions of speakers during public comment. 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. Any member of the Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.

#### D. Consent Agenda

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of the Council by stating which item is to be removed.
4. Appointments to committees must not be placed on the consent agenda.

#### E. Public Hearings Generally

1. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak during a public hearing may do so through the following methods:
  - a. **In-Person Testimony**: Parties interested in providing in-person verbal testimony shall fill out a "Request for Recognition" form with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
  - b. **Video or Audio Conference Call**: Parties interested in providing virtual testimony shall contact City staff at least three hours prior to the meeting start time with their request.

Staff will collect their contact information and provide them with information on how to access the virtual meeting to provide testimony.

- c. **Written Testimony:** Written public hearing testimony shall be submitted to City staff at least three hours prior to the meeting start time. Testimony received will be provided to the City Council in advance of the meeting and added to the City Council's page where agenda packets are posted.

If a community member has a barrier which prevents them from participating via one of the methods above, they should contact City staff no less than three hours prior to the meeting start time to make arrangements to participate.

3. 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 Presiding Officer will then declare the hearing open.
4. 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.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow-up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council should use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of the Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of the Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony by having all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer should announce any such restrictions prior to the commencement of testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
  - a. Initiate deliberations by introducing a motion on the matter;
  - b. Continue the hearing; or
  - c. Keep the record open for additional written testimony.

10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1) or as prescribed by law.

F. Conduct of Hearings on Land Use Matters – See [Chapter 4](#)

G. Written Communications to Council

1. Unsolicited communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the City staff for consideration of inclusion in the agenda packet.
2. Unsolicited communications to the Mayor and/or Council concerning matters that are not an agenda shall be forwarded to the City staff for consideration of distribution but shall not be included in the agenda packet.
3. The City Manager, or designee, may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.

## CHAPTER 2 – MEETING TIME, LOCATION, AND FREQUENCY

- I. **REGULAR MEETINGS.** The Council will generally hold regular meetings at 7:00 p.m. on the first and third Monday of each and every month. If a first or third Monday falls on a City-recognized holiday, the meeting will be held on the following business day.
- II. **SPECIAL MEETINGS.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Special meetings must be noticed in accordance with Oregon’s public meetings law, and, at minimum, must be noticed at least 48 hours prior to the meeting taking place.
- III. **EMERGENCY MEETINGS.** Emergency meetings may be called by the Mayor, three members of the Council, or by the City Manager.
  - A. The City Manager will provide notice of the special meeting to each member of the Council, local media outlets, and any other person or entity who has requested notice of meetings.
  - B. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
  - C. Emergency meetings are those meetings called with less than 48 hours’ notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.
- IV. **EXECUTIVE SESSIONS.** Executive sessions may be called by the Presiding Officer, by the request of three members of the Council, by the City Manager, or by the City Attorney.
  - A. Executive Sessions may be called for any purpose authorized by ORS 192.660 or as prescribed by law.
  - B. Only members of the Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
  - C. All attendees must be present for the session in person.
  - D. 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. Members of the media are not to report on the issues discussed in executive session.
  - E. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.
- V. **WORK SESSIONS.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.



- A. Work sessions are generally scheduled, as needed.
- B. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
- C. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
- D. Work sessions are to be scheduled by the City Manager.
- E. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.
- F. At any work session or regular meeting, a member of Council may request an item be placed on a work session agenda. A majority vote of the Council members present is required to place the item on a future work session agenda.

**VI. LOCATION OF MEETINGS.**

- A. Council meetings are held at the Stayton Community Center or other specified location 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 must be located within the jurisdictional boundaries of the other government entity.
- D. No Council meeting may be held at any place where discrimination on the basis of an individuals’ race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**VII. NOTICE OF MEETINGS.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon’s public meeting law.

**VIII. ATTENDANCE AT MEETINGS**

- A. A Council position becomes vacant per City of Stayton Charter Chapter VII, Section 32 – Vacancies.
- B. It is the responsibility of each member of the Council to advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees. The member of Council should communicate the absence to the City Manager as soon as reasonably practicable under the circumstances.
- C. Attendance at meetings must be in person or by virtual platform (e.g. Zoom) using a webcam or telephone. The preference of the Council is for all members of the Council to attend in person.
- D. A member of the Council appearing via virtual platform (e.g. Zoom) shall notify the presiding officer and City staff no less than three hours prior to the meeting. If appearing virtually, the Council member should remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
- E. Remote attendance is not allowed for Executive Sessions.

## CHAPTER 3 – ORDINANCES AND RESOLUTIONS

### I. ORDINANCES

- A. An ordinance is a law passed by the Council in its legislative capacity.
- B. Ordinance Enactment (*City of Stayton Charter Chapter IV, Section 17, enacted January 1, 2018*)

SECTION 17. ORDINANCE ENACTMENT.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the council at two meetings.
- (b) The council may enact an ordinance at a single meeting by the unanimous approval of the councilors in attendance, provided the proposed ordinance is available to the public at least seven days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available to the public before the council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each councilor must be entered into the council minutes.
- (e) When an ordinance is passed, the City Recorder shall endorse it with the date of its passage, his/her name and title of office; and within three day thereafter the mayor shall sign and date it unless the mayor requires reconsideration of the ordinance.
- (f) If the mayor requires reconsideration of an ordinance, the mayor must return it to the city recorder with written reasons for reconsideration within seven days of receipt of the ordinance. If the mayor does not so return it, such ordinance shall become law as enacted.
- (g) Upon the first regular meeting of the council after the demand for reconsideration by the mayor, the council must consider the reasons provided by the mayor and vote on the ordinance. If at least three councilors vote to enact the ordinance, it shall become law. If no vote is taken at such meeting on the passage of the ordinance, it shall be deemed to have failed to become law.

- C. Effective Date of Ordinances (*City of Stayton Charter Chapter IV, Section 18, enacted January 1, 2018*)

SECTION 18. EFFECTIVE DATE OF ORDINANCES. Ordinances normally take effect on the 30<sup>th</sup> day after enactment, or 30 days from re-enactment after demand for reconsideration by the mayor, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or another date less than 30 days after enactment if it contains an emergency clause.

## II. RESOLUTIONS

- A. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.
- B. The City Recorder or designee will assign a Resolution Number.
- C. Resolution Adoption (*City of Stayton Charter Chapter V, Section 20, enacted January 1, 2018*)

### SECTION 20. RESOLUTION ADOPTION.

- (a) Adoption of a resolution or any other council administrative decision requires approval by the council at one meeting.
  - (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
  - (c) After adoption of a resolution or other administrative decision, the vote of each councilor must be entered into the council minutes.
  - (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption.
- D. Effective Date of Resolutions (*City of Stayton Charter Chapter V, Section 21, enacted January 1, 2018*)

SECTION 21. EFFECTIVE DATE OF RESOLUTIONS. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution.

## CHAPTER 4 – LAND USE HEARINGS

### I. GENERAL CONDUCT OF HEARINGS<sup>2</sup>

- A. Any party may speak in person, through an attorney, or elect to have a representative to present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
- C. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
- D. Upon being recognized by the Presiding Officer, any member of Council may question any person who testifies.
- E. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
- F. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must not the numbers of such persons for the record in the minutes.

### II. QUASI-JUDICIAL LAND USE MATTERS

- A. Scope of Review. All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
- B. Conflicts of Interest
  - 1. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter; or
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- C. Ex Parte Contact
  - 1. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Manager who can refer it to the City Attorney before the meeting.
  - 2. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding (ORS 227.180 or as prescribed

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<sup>2</sup> State law governs this process. ORS Chapter 197 – Comprehensive Land Use Planning; ORS Chapter 227 – City Planning and Zoning

by law). If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

D. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision of the Council must be based on the applicable standards and criteria set forth in the City of Stayton Municipal Code, the City's Comprehensive Plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
3. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

E. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

1. **Land Use Hearing Disclosure Statement.** The Presiding Officer must read the land use hearing disclosure statement, which must include:
  - a. A list of the applicable criteria;
  - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision.
  - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. **Call for Ex Parte Contacts.** The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
3. **Call for Abstentions.** The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
4. **Staff Summary.** Planning staff will present a summary and recommendation concerning the proposal.
5. **Presentation of the Case.** The presentation of the case will be as follows:
  - a. Proponent's case.
  - b. Persons in favor.
  - c. Persons opposed.

- d. Other interested persons.
  - e. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
6. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however the Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of factual evidence, all parties must be afforded an opportunity for rebuttal.
  7. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- F. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
  - G. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### III. LEGISLATIVE LAND USE MATTERS

- A. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  1. **Call for Abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
  2. **Staff Summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  3. **Presentation of the Case.** The presentation of the case will be as follows:
    - a. Proponent's case.
    - b. Persons in favor.
    - c. Persons opposed.
    - d. Other interested persons.
  4. **Close of Hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
  5. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
  6. **Reopening Hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

## CHAPTER 5 – MOTIONS, DEBATE, PUBLIC COMMENT AND VOTING

### I. MOTIONS

A. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
5. If a motion does not receive a second, it dies.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, and then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

### II. MOTION TO RECONSIDER

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

**III. DEBATE.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

**IV. PUBLIC COMMENT**

- A. The public is entitled to comment on all matters before the Council that require a vote.
- B. Public comment will occur after the matter up for vote has been presented by City staff and before the Council begins deliberations on the matter.
- C. Each member of the public is entitled to comment on the matter before the Council for three minutes.
- D. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided at a later time.
- E. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.
- F. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

**V. VOTING.** The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these rules.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>3</sup>
- B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the matters on a consent agenda.
- C. Ordinances. An ordinance requires a majority of a quorum to pass.
- D. Emergency Ordinance. An emergency ordinance requires the unanimous vote of all Council members present.
- E. Resolutions. A majority of a quorum is required to pass a resolution.

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<sup>3</sup> City of Stayton Charter, Chapter III, Section 14 – Vote Required: “The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this charter requires approval by a majority of the Council.”



- F. Budget. The budget requires a majority of a quorum to pass.
- G. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.
- H. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the City’s charter shall not be suspended or rescinded.
- I. Votes. All votes must be recorded in the minutes.
- J. Tie Votes. The Mayor is not a member of the council and has no vote unless there is a tie vote. <sup>4</sup>

**VI. EFFECTIVE DATE**

- A. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
- B. The following shall take effect immediately upon its passage:
  - 1. Ordinance making appropriations and the annual tax levy;
  - 2. Ordinances relative to local improvements and assessments; and
  - 3. Emergency ordinances.
- C. All other ordinances shall take effect 30 days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
- D. The filing of a referendum petition shall suspend the effective date of an ordinance.

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<sup>4</sup> City of Stayton Charter, Chapter III, Section 9 – Mayor: “The Mayor is not a member of the Council and has no vote unless there is a tie vote.”

## CHAPTER 6 – MINUTES

### I. GENERALLY.

- A. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule.
- B. The minutes must contain the following information:
  - 1. The date, time, and place of the meeting;
  - 2. The members of Council present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The result of all votes;
  - 5. The subject of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting.

### II. APPROVAL

- A. The Council must approve all minutes of any meeting.
- B. All minutes must be approved within ninety days of the meeting having occurred.
- C. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- D. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – APPOINTMENTS

- I. **APPOINTMENTS OF CITY STAFF.** The Council appoints and can remove those positions identified in the City’s charter. All appointments require a majority vote of the members of Council present at a meeting.
  - A. Reviews. Any person appointed by the Council is subject to an annual review by the Council.
  - B. Removals. All appointed persons may be removed by a majority vote of the Council.
  - C. Interference. The Council may meet with the Charter approved appointed staff, but in no instance shall the Council be permitted to interfere with the exercise of authority or discretion of said appointees.
- II. **APPOINTMENTS TO VACANT POSITIONS OF MAYOR AND CITY COUNCIL**
  - A. The Stayton City Charter dictates the appointment process for vacant positions.
- III. **COUNCIL LIAISONS**
  - A. The Mayor shall appoint one or more Council members to serve as a Council Liaison in the categories below. The intent of the liaison positions isn’t to prevent a councilmember from being active or engaged in topics or issues that may be outside the focus of their assigned category.
    1. Education, Social Services, Governmental Agencies
    2. Economic Development and Housing
    3. Public Safety and Environmental
    4. Community Relations and Outreach
    5. Transportation and Infrastructure (or Public Utilities)
    6. The Mayor can serve as a Liaison for any committee or group they deem appropriate.
- IV. **APPOINTMENTS OF MEMBERS TO BOARDS, COMMISSIONS, AND/OR COMMITTEES**
  - A. Unless otherwise mandated by state law, the Mayor may appoint the members of any board, commission or committee with the approval of a majority vote of the Council.
  - B. Unless otherwise prohibited by the Council, the Mayor shall have the authority to create and appoint subcommittees of committees authorized by the Council.
  - C. Removals. All appointed persons may be removed at the recommendation of the Mayor with approval of the majority of the Council.

# CHAPTER 8 – ETHICS, DECORUM, OUTSIDE STATEMENTS, AND SOCIAL MEDIA

## I. ETHICS

- A. All members of the Council must review and observe the requirements of state ethics laws.
- B. In addition to complying with state ethics law, all members of the Council must refrain from:
  - 1. Disclosing confidential information.
  - 2. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - 3. Expressing an opinion contrary to the official position of the Council without so saying.
  - 4. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - 5. Not profiting from their position on Council in violation of state law.
- C. All ethics complaints received about a Councilor should be provided to the City Manager who will forward them to the Oregon Government Ethics Commission (OGEC).

## II. DECORUM

- A. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
- B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
- C. 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.
- D. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. 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.

## III. STATEMENTS TO THE MEDIA AND OTHER ORGANIZATIONS

- A. Representing City. If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.
- B. 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.

#### IV. USE OF SOCIAL MEDIA

- A. 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.
- B. 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.
- C. 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. A "public record" encompasses any information that is prepared, owned, used or retained by the City; relates to an activity, transaction or function of the City; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the City. Councilors should forward social media posts to the City Manager 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.
- D. 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. Councilors must abide by Chapter 8, III (Statements to the Media and Other Organizations) above in all social media activities.
- E. 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 Chapter 8, III (Statements to the Media and Other Organizations) above.

## **CHAPTER 9 – INTERACTIONS WITH STAFF AND CITY ATTORNEY**

### **I. CITY STAFF**

- A. All members of the Council must respect the separation between the Council’s role and the City Manager’s responsibility by:
1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
  3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex must be directed to the City Manager. Questions sent to staff must be copied to the City Manager. Councilors may not directly interfere with staff or the City Manager’s management of staff.
  4. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
  5. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a Council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.
  6. Allegations of misconduct regarding City staff shall be directed to the City Manager.

### **II. CITY ATTORNEY**

- A. Council members may make requests to the City Attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney’s time. A Councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the Council.
- B. Allegations of misconduct regarding the City Manager or a City Councilor from a City staff member or City Councilor shall be directed to the City Attorney.

## CHAPTER 10 – ENFORCEMENT AND CONSEQUENCES

### I. ENFORCEMENT

- A. The Council may ensure compliance with City ordinances, Charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, City Charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand. A majority of the entire Council is required to issue a reprimand.

### II. INVESTIGATIONS AND HEARINGS

- A. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b), or as prescribed by law, to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City Charter, or state laws applicable to governing bodies has occurred.
- B. Before the Council may publicly reprimand the Council must provide the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b), or as prescribed by law.
- C. No final action or decision can be made in executive session, as provided by ORS 192.660(6) or as prescribed by law.

### III. REMOVAL

- A. The Mayor and Councilors may not directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the appointment or approval of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the Manager relating to City business.<sup>5</sup>

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<sup>5</sup> City of Stayton Charter Chapter VIII, Section 34(d)

## CHAPTER 11 – AMENDMENT AND REPEAL OF COUNCIL RULES

- I. **AMENDMENT.** These rules are subject to amendment by the Council.
  - A. 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 an emergency.
  - B. All amendments to these rules require approval by a majority of a quorum of Council.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **REPEAL.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules 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.



## **CHAPTER 12 – FINANCES, EXPENSES, AND TRAINING OPPORTUNITIES**

**I. FINANCIAL STATEMENTS.** Pursuant to ORS 244.050 or as prescribed by law, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15<sup>th</sup> of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.

### **II. EXPENSES**

A. The Mayor or any City Council member who travels outside Stayton on City business is entitled to receive reimbursement for expenses, which shall be determined as follows:

1. Travel on official business outside Stayton by a single individual may be via public carrier, City-owned vehicle, or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate in effect.
2. City vehicles shall be used for authorized uses and shall absolutely not be used for private purposes.
3. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a City official for the City's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the City Manager. The City shall not reimburse the Mayor or a Councilor for the cost of any alcoholic beverage.
4. The elected official shall submit a signed standard City expense reimbursement request form including copies of all bills, receipts, and/or mileage statements to the City Manager prior to reimbursement.

### **III. IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES**

A. The City values educational and training opportunities for the Mayor and City Councilors in order that services rendered to the City will be more effective.

B. The City shall either pay for or reimburse an elected official for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the City service provided that:

1. Funds for such expenditures are available in the current budget;
2. The training is germane and directly related to the duties and functions of the elected official;
3. The individual is not receiving reimbursement from any other source.