

**MEMORANDUM**

TO: Mayor and City Council

FROM: Richard Meyers, City Manager

SUBJECT: A RESOLUTION REPEALING RESOLUTION NO. 1865 AND ADOPTING NEW COTTAGE GROVE CITY COUNCIL PROCEDURAL RULES.

DATE: December 7, 2022

Background

The Council Rules Committee, City Manager and City Attorney have met on three occasions to review and discuss possible changes to the City Council Procedural Rules. The resolution and proposed Council Procedural Rules are attached. Also attached are a copy of the 2014 Cottage Grove Charter and the current Council Procedural Rules with redlined markups.

The most significant changes made were to adjust the procedures to accommodate virtual meeting formats and to aid in the conducting of Council meetings with the purpose of making decisions. The time allowed for citizen comments for items which are and are not on the agenda has been combined to take place prior to public hearings and limited to 3 minutes or less per person. In addition, two sections were added; one to address ethics as outlined in the State of Oregon's Government Ethics Laws and the second to address the topic of censure.


The Cottage Grove City Council Procedural Rules comply with the 2014 Cottage Grove Charter and if adopted would go into effect January 1, 2023.

Recommendation

That the Council discuss the proposed changes to the Cottage Grove City Council Procedural Rules and make any changes or modifications they desire. If the rules are acceptable the Council should adopt the resolution that will repeal the old rules and adopt the new Cottage Grove City Council Procedural Rules.

Cost

No Cost

  
Richard Meyers, City Manager

RESOLUTION NO.

A RESOLUTION REPEALING RESOLUTION NO. 1865 REGARDING ADOPTING COUNCIL RULES; AND ADOPTING NEW COTTAGE GROVE CITY COUNCIL PROCEDURAL RULES.

WHEREAS, at the November 4, 2014 General Election, the citizens of Cottage Grove adopted a City Charter, known as the 2014 Cottage Grove Charter; and

WHEREAS, the citizens of Cottage Grove overwhelmingly adopted the 2014 Cottage Grove Charter; and

WHEREAS, the 2014 Cottage Grove Charter went into effect January 1, 2015; and

WHEREAS, the 2014 Cottage Grove Charter requires the City Council to adopt rules to govern its meetings; and

WHEREAS, on December 22, 2014 the Cottage Grove City Council adopted Resolution 1865 adopting Cottage Grove City Council Procedural Rules; and

WHEREAS, the Cottage Grove City Council expressed the need to review and amend the procedural rules to accommodate the changing virtual meeting environment, and thus created the Council Rules Committee.

NOW, THEREFORE, BE IT RESOLVED that the Cottage Grove City Council Procedural Rules attached hereto as Exhibit A and by this reference incorporated herein are hereby adopted.

BE IT FURTHER RESOLVED that Resolution No. 1865 and all other rules and procedures of the Cottage Grove City Council which may have been formally adopted by resolution or informally adopted by past practice or implied policies are hereby repealed and replaced by the City Council Procedural Rules attached as Exhibit A. The City Council Procedural Rules attached are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business.

BE IT FURTHER RESOLVED that this resolution shall take effect January 1, 2023.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 12<sup>th</sup> DAY OF DECEMBER, 2022.

\_\_\_\_\_  
Jeffrey D Gowing, Mayor

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Richard Meyers, City Manager

Dated: \_\_\_\_\_

## EXHIBIT A

### COTTAGE GROVE CITY COUNCIL PROCEDURAL RULES

The Cottage Grove City Charter requires the City Council to adopt Council Rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on meetings, conduct, agendas and other matters.

#### 1. Council Authority.

The Council has the right to require persons attending or participating in any meeting of the Council or addressing the Council to conform to the Rules of the Council and directions of the Mayor or Presiding Officer.

#### 2. Meetings.

All meetings of the Cottage Grove City Council will be open to the public with the exception of Executive Sessions held under the provisions of the State of Oregon Public Meetings Law. All meetings will be held in a location accessible to the public and in accordance with the Oregon Public Meetings Law. All meetings will be noticed in accordance with the Oregon Public Meetings Law.

The types of meetings are:

2.1. Regular Meetings. The Council will hold regular meetings on the second and fourth Monday of each month at 7:00 pm in the Cottage Grove City Council Chambers.

2.2. Agenda Sessions. The Council may hold Agenda Session meetings prior to a Regular Meeting for the purpose of reviewing the Regular Meeting agenda. Agenda Sessions are for Council discussion and review only, no public input will be accepted and the Council shall not vote or make any commitment regarding future votes. The Council may ask for additional information from City Staff regarding any agenda item.

2.3. Work Sessions. Work sessions of the Council may be held as "information only" meetings, for the Council to hold a general discussion or to receive detailed reports regarding specific topics or projects. Work Sessions are for Council discussion and review only; no public input will be accepted and the Council shall not vote or make any commitment regarding future votes.

2.4. Special Meetings. Special Meetings of the Council may be called with at least 24 hours' notice. Special meetings of the Council are held on other dates or times than Regular Meetings to accommodate Council business.

2.5. Emergency Meetings. An Emergency Meeting of the Council may be called with less than 24 hours' notice pursuant to Oregon Public Meeting Laws. The meeting notice and minutes of the meeting must identify the specific emergency that exists. The Council shall only discuss business directly associated with the actual emergency. Only

the matters creating a need for the emergency meeting shall be discussed or acted upon during the meeting. No other business of the Council shall be conducted or discussed.

2.6. Executive Sessions. Executive Sessions may be held during Regular, Special, Emergency or Work Session Meetings if the Executive Session complies with all applicable provisions of the Oregon Public Meetings Law. The Council shall not vote or make any commitment regarding future votes during an Executive Session, although the Council may reach a consensus in Executive Session which must be confirmed by a formal vote taken in open session. The Mayor and Councilors are expected to maintain the confidentiality of the information discussed in an Executive Session.

### **3. Calling a Meeting.**

An Agenda Session, Special or Emergency Meeting of the Council, may be called by the Mayor, or in the absence of the Mayor, by the Council President or three Councilors. A member of the Council desiring to call an Agenda Session, Special or Emergency meeting shall first contact the Mayor or, in the Mayor's absence the Council President. The Mayor or Council President will contact the City Manager, who will contact other members of the Council, determine if a quorum is available, and determine whether all applicable Oregon Public Meetings Law requirements are met. The City Manager may schedule an Agenda Session, Work Session, Special or Emergency meeting when the Manager determines that such a meeting is needed to carry out Council business. Future Agenda, Special, Emergency or Work Session Meetings may also be set by the Council at a Regular, Special or Emergency Meeting.

### **4. Cancellation of Meeting.**

Upon a majority vote of the Council present at any Council meeting, a future Regular Meeting may be canceled when deemed appropriate. If there is no business to transact or a quorum of the Council cannot attend and there is no urgent necessity to have the meeting, the Mayor, upon the recommendation of the City Manager, may cancel the meeting. Council members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given at least 72 hours prior to the scheduled meeting.

### **5. Quorum.**

The Mayor, or in the Mayor's absence, the Council President, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the City Manager shall attempt to inform the absent member or members, except those known to be unavoidably detained, that their presence is required. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting or compel attendance of the absent member or members.

### **6. Attendance, Excused Absences.**

Members of the Council may be excused from attending a City Council meeting by contacting the Mayor prior to the meeting and stating the reason for their inability to attend. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Recorder, who shall convey the message to the Mayor. If the Mayor is unable to attend, he or she shall contact the City Manager or City Recorder. Absent

Council members who do not follow the above process will be considered unexcused, which shall be so noted in the minutes.

## **7. Rules of Order.**

The Council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. The Rules of Order should be liberally construed to that end. Council members should avoid invoking the fine points of parliamentary procedure when such points serve only to obscure the issues before the Council and/or confuse the audience at public meetings and citizens in general.

7.1. Presiding Officer. The Mayor or in the Mayor's absence, the Council President, shall serve as the Presiding Officer. The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal by the Council.

7.2. Pro-tem Presiding Officer. In event of the absence of the Mayor and the Council President, the City Manager shall call the Council to order and call the roll of the members. If a quorum is present, those Councilors present shall elect, by majority vote, a Pro-tem Presiding Officer for that meeting. Should the Mayor or Council President arrive, the Pro-tem Presiding Officer shall relinquish the chair immediately upon the conclusion of the item of business then under consideration before the Council.

7.3. Council Discussion/Debate. Every Councilor desiring to speak shall first address the Presiding Officer, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.

No Councilor shall address the Presiding Officer or demand the floor while a vote is being taken.

Councilors should limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. Members of the Council should refrain from speaking more than once upon any subject until other members of the Council have had a chance to speak to the topic. After all Councilors have had their opportunity to speak, the Presiding Officer will entertain Council action as necessary.

Councilors desiring to question administrative staff shall address questions to the City Manager, who shall be entitled to either answer the inquiry or designate a staff member to do so.

A Councilor, once recognized by the Presiding Officer, shall not be interrupted while speaking, unless called to order by the Presiding Officer or a point of order is raised by any member of the Council while they are speaking. In this case the speaker shall immediately cease speaking until the point is determined. If the Presiding Officer rules that the speaker is in order, the speaker shall be permitted to proceed speaking; if ruled to be out of order, the speaker shall remain silent or shall alter their remarks to comply with the ruling.

All members shall accord the utmost courtesy to each other, staff and the public and refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Members shall confine their questions to the particular matters before the assembly and, in debate, shall confine their remarks to the issue before the Council.

Members shall be removed from the meeting for failure to comply with the decisions of the Presiding Officer and/or for continued violations of the rules of the Council. If the Presiding Officer fails to act, any member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Council shall require the Presiding Officer to act.

All members of the Council shall give undivided attention to the discussions and business of the Council during Council meetings. Members shall refrain from personal conversations or correspondence with other members of the Council, staff or public.

7.4. Right to Appeal. Any Councilor may appeal a ruling or inaction (hereinafter a "decision") of the Presiding Officer to the Council. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the Presiding Officer may briefly explain the decision; but there shall be no debate on the appeal and no other question than, "Shall the decision of the Presiding Officer stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the Presiding Officer is sustained; otherwise, it is overruled.

7.5. Excusal During the Meeting. No Councilor may leave the Council meeting while in regular session without permission from the Presiding Officer.

## **8. Minutes of Council Meeting.**

Written minutes shall be taken for all meetings of the Council, except Executive Sessions for which minutes may be kept in the form of audio recordings. No transcript of Executive Session minutes must be made unless otherwise required by law. The written minutes of Council meetings need not be verbatim transcripts, but shall give a true reflection of the matters discussed at the meeting and the views of those participating in the discussions.

## **9. Agenda.**

The City Manager shall prepare an agenda of the business to be presented at Council meetings. For Regular Meetings no item of business shall be added to an agenda after 5:00 p.m. on the Tuesday of the week preceding the week of the Regular Meeting for which the agenda has been prepared. For all other meetings no agenda item can be added after public notice of the meeting has been given. The Council shall consider only matters that appear on the agenda for the meetings. The Mayor and members of the Council shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda. Items meeting the deadline may be placed on the agenda by any of the following methods:

9.1. A majority vote of the Council;

9.2. Consensus of the Council;

9.3. By any Council Member in a request to the City Manager which is approved by the Mayor (as applicable) and the City Manager (the agenda item will identify the Council member who requested the item to be placed on the agenda);

9.4. By the City Manager or City Attorney.

No item shall be added to the agenda after the applicable deadline without the unanimous vote of the Council present at the meeting.

## **10. Order of Business.**

The order of business at Regular Meetings shall be as follows (not all items will be on every Regular Meeting agenda):

- 10.1. Call to Order
- 10.2. Roll Call/Pledge of Allegiance
- 10.3. Items to be added to the agenda
- 10.4. Special Presentations
- 10.5. Appearance of Interested Citizens
- 10.6. Public Hearings
- 10.7. Consent Agenda
- 10.8. Resolutions and Ordinances
- 10.9. Business from the City Council
- 10.10. Business from the City Manager
- 10.11. Business from the City Attorney
- 10.12. Items removed from the Consent Agenda
- 10.13. Executive Session
- 10.14. Adjournment

## **11. Appearance of Interested Citizens.**

There shall be a period of time, not to exceed 30 minutes (unless increased with Council approval), near the beginning of each Regular Meetings for questions or statements on items which are and are not on the agenda. This time is not for the purpose of receiving: 1) comments on agenda items for which a public hearing was or will be scheduled, 2)

cumulative comments on a topic received in the same meeting, or 3) repetitive comments on issues addressed in prior meetings. Comments shall be limited to three (3) minutes or less per person with Council approval.

Members of the public wishing to speak in person or virtually must sign up to do so in advance. All interested citizens may sign up on the provided City form before 5 pm the day of the meeting. Interested citizen attending a Council meeting in person may also sign up at the Council Chambers' entrance prior to the Call to Order.

## **12. Public Hearings.**

Prior to each public hearing, the Presiding Officer shall announce the nature of the matter to be heard and then ask for the staff report. After the staff report, the Presiding Officer will declare the hearing to be open and invite any member of the audience to come forward to be heard. If appropriate, the Presiding Officer may first ask those persons in favor of the stated matter to come forward, followed by those speaking in opposition. The Presiding Officer may, with the approval of Council, limit the total time of the public hearing, the number of speakers and/or the time each speaker may speak at the public hearing. No limit on the total time of the public hearing or the number of speakers will be imposed for quasi-judicial public hearings; but the Presiding Officer may, with the approval of the Council, limit the time each speaker may speak. The Presiding Officer shall announce all such restrictions prior to the commencement of the hearing.

## **13. Consent Agenda.**

In order to make more efficient use of meeting time, the City Manager may place resolutions, proclamations and similar items that are routine in nature and on which no debate is expected on a "consent agenda." Any item placed on the consent agenda shall be removed at the request of the Mayor or a Councilor prior to the time a vote is taken on the consent agenda items. All remaining items on the consent agenda shall be disposed of by a single motion "to adopt the consent agenda," which shall not be debatable. Adoption of the consent agenda shall be by the affirmative vote of all members of the Council present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are any dissenting votes, each item on the consent agenda shall be voted upon separately in the usual manner.

## **14. Action Items.**

Items for Council action under Resolutions and Ordinances, Business from the City Council, Business from the City Manager and Business from the City Attorney will be taken individually.

## **15. Adoption of Ordinances.**

Per City Charter Section 16, the Council may adopt an Ordinance at a single meeting by the unanimous approval of all Council members present, provided the proposed Ordinance is available in writing to the public at least one week before the meeting. To ensure that Council members know whether an Ordinance may be adopted at a single meeting, if a proposed Ordinance was available for review at least one week in advance of the meeting at which it will be considered, staff will include within that Ordinance's agenda memo the phrase "This Ordinance could be adopted at one meeting." If the Ordinance



was not available for review at least one week in advance of the meeting, staff will include in the agenda memo the phrase "This Ordinance cannot be adopted at one meeting."

The following Ordinance adoption procedure shall be followed:

15.1. At the First Meeting for Ordinance consideration:

15.1.1. The Presiding Officer will introduce the item on the agenda and ask for the staff report on the proposed ordinance.

15.1.2. Staff report is presented.

15.1.3. The Presiding Officer will ask Council if the Council has any questions of staff. This provides an opportunity for Council to clarify any related issues. Communications will be conducted through the Presiding Officer.

15.1.4. The Presiding Officer will request an Ordinance Number.

15.1.5. The Presiding Officer will call for Council discussion. Councilors will seek recognition from the Presiding Officer and express individual opinions. Discussion items may include ordinance amendments or a motion to postpone. If a motion to postpone passes, discussion is stopped and will resume at this same point in the subsequent meeting designated by the motion.

15.1.6. After all Councilors present have had an opportunity to speak, the Presiding Officer will entertain a motion to adopt the Ordinance. A Councilor may move to adopt the Ordinance. Any such motion will be followed by a second and a roll call vote. Passage requires approval by at least a majority of the Council.

15.1.7. Based upon the vote, the Presiding Officer will announce that "Ordinance # \_\_\_ will be placed on the next meeting agenda for final passage"; "Ordinance # \_\_\_ has failed and will not be adopted"; or if the vote was unanimous and the Ordinance was available to the public at least one week before the meeting, the Presiding Officer will announce, "Ordinance # \_\_\_ has been adopted."

15.2 If required, at the Second Meeting:

15.2.1. The Presiding Officer will introduce the item on the agenda for final adoption and ask for the Staff report.

15.2.2. Staff report is presented.

15.2.3. The Presiding Officer asks Council if there are any questions of staff or Council discussion.

15.2.4. The Presiding Officer will call for Council discussion. Councilors will seek recognition from the chair and express individual opinions. Discussion items may include ordinance amendments or a motion to postpone. If a motion to postpone

passes, discussion is stopped and will resume at this same point in the subsequent meeting designated by the motion.

15.2.5. After all Councilors present have had an opportunity to speak, the Presiding Officer will entertain a motion, and a Councilor may move to adopt the Ordinance. Any such motion will be followed by a second and a roll call vote.

15.2.6. Based upon the vote, the Presiding Officer will announce that "Ordinance # \_\_\_ has been adopted"; or "Ordinance # \_\_\_ has failed to be adopted."

## **16. Voting Generally.**

Members shall not explain their vote during roll call.

## **17. Duty to Vote.**

Every Council member who is present will vote for or against the question before the Council unless the Council excuses that Council member from voting. A Council member may refrain for just legal cause without being excused by the Council. Council members must announce the legal reason or justification for abstaining from voting.

## **18. Reconsideration of Actions Taken.**

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

## **19. Sergeant-at-Arms.**

The Sergeant-at-Arms shall be the Police Chief or an appropriate designee. The Sergeant-at-Arms shall assist the Presiding Officer, as appropriate, to maintain order and decorum at all meetings.

## **20. Administrative Staff and City Employees Addressing Council or Public.**

Members of the City Staff desiring to address the Council shall first be recognized by the Presiding Officer and shall address the remarks to the Presiding Officer. The staff may respond to questions or comments by the Council or members of the public with permission of the Presiding Officer, and shall always do so in a polite, tactful manner.

## **21. Public Members Addressing the Council.**

The Presiding Officer will individually invite members of the public who signed up to address the Council. After recognition, the person shall state their name and address for the record and remarks shall be subject to the limitations established by the Council. All remarks and questions shall generally be addressed to the Presiding Officer and not to any individual Councilor, staff member or other person. No person shall enter into discussion without being recognized by the Presiding Officer.

## **22. Order and Decorum.**

22.1 Any of the following shall be sufficient cause for the Sergeant-at-Arms or virtual meeting monitor to, at the direction of the Presiding Officer, remove any person from the Council Chambers, meeting hall, or virtual meeting platform for the duration of the meeting:

- 22.1.1. Failure by a member of the public to refer to City employees, representatives, and officials by their proper title;
- 22.1.2. Use of unreasonably loud, disruptive or threatening language.
- 22.1.3. Making of loud or disruptive noise.
- 22.1.4. Engaging in violent or distracting action.
- 22.1.5. Willful injury of furnishings or of the interior of the Council Chambers or meeting hall.
- 22.1.6. Refusal to obey the rules of conduct provided within these rules, including the limitations on occupancy and seating capacity.
- 22.1.7. Refusal to obey an order of the Presiding Officer.

Before the Sergeant-at-Arms is directed to remove any person from the meeting hall or virtual platform for inappropriate conduct, that person shall be given a warning by the Presiding Officer to cease the conduct.

If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Council present may order that the Council Chambers or other meeting hall or virtual platform be cleared and a recess called until order is restored.

## 22.2. Virtual Meeting Attendance and Participation.

The City's virtual platform monitor may mute or turn off any member of the public's video at any time for violation of these Council Rules. In addition to complying with these Council Rules, members of the public appearing virtually shall:

- 22.2.1. Sign up to attend and to speak during "Appearance of Interested Citizens" or scheduled hearings on the provided City form by 5 pm on the day of the meeting;
- 22.2.2. Remain on mute during Council meeting, except when called upon for public comment;
- 22.2.3. Turn off video, unless presenting to the Council, at which time participants shall be stationary and will ensure their background and dress is appropriate to address the Council;
- 22.2.4. Conduct no unlawful activity during virtual attendance; and

22.2.5. Present all visual presentations to the virtual platform monitor in advance.

### **23. Seating Capacity and Safety Requirements.**

The safe occupancy and seating capacity of the Council Chambers in compliance with all federal and state public health laws, regulations, and guidance, including Executive Orders and guidance from the Oregon Health Authority, and as further determined by the Fire Marshal shall be posted within the Council Chambers. The limitations on occupancy and seating capacity shall be complied with at all times.

Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the Council Chambers, and shall not pass beyond the restraining barriers unless requested to do so by the Presiding Officer.

Members of the media may sit in the area designated in the seating plan posted in the Council Chambers, subject to their ability to present media identification.

### **24. Code of Ethics.**

Council members shall comply with all applicable provisions of the State of Oregon's Government Ethics Laws (ORS Chapter 244). In the event of conflict between ORS Chapter 244 and these rules, state law will control.

24.1. Conflicts of Interest. In every case in which a Council member is faced with an actual or potential conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the nature of the conflict, shall remove himself or herself from the Council dais and refrain from participation in both the discussion and the vote on the issue.

24.1.1. An actual conflict of interest means any Council member action, decision, or recommendation that would grant a private pecuniary benefit or avoid a private pecuniary detriment to the Council member, the Council member's relatives, or any business with which the Council member or Council member's relative is associated. ORS 244.020(1).

24.1.2. A potential conflict of interest means any Council member action, decision, or recommendation that could grant a private pecuniary benefit or avoid a private pecuniary detriment to the Council member, the Council member's relatives, or any business with which the Council member or Council member's relative is associated. ORS 244.020(13).

24.2 Each Council member is 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. Council members should constantly bear in mind these responsibilities to the entire electorate and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Council members should likewise do everything in their power to ensure impartial application of the law to all citizens and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station, religion, marital

status, familial status, domestic partnership status, sexual orientation, source of income, and disability status.

24.3 If a Council member represents the City before another public body, governmental agency, community organization, or with the media, the Council member should always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes the clarification that these statements do not represent the position of the City Council. Communications of personal opinions or comments should not be accompanied with a statement of the author's status as a member of the Council.

24.4 Individual Council members are not authorized to direct City staff. Access to City employees, contractors, and facilities in a Council member's official capacity must be pre-approved by the City Manager or the City Manager's designee.

24.5. If a Council member wishes to use personal social media accounts to present information that is representative of the City, that Council member must always present the majority position of the Council. Personal social media includes blogs, Twitter, Facebook and all forms of electronic communications media.

24.6. If a Council member wishes to use personal social media accounts as a communication tool for that Council member's personal opinions and comments, that Council member must clarify that their statements do not represent the position of the City Council and ensure compliance with Oregon's Public Records and Meetings laws. Personal social media includes personal blogs, Twitter, Facebook and all forms of electronic communications media.

24.7. Council members are not authorized to post to City social media accounts. City social media includes City blogs, Twitter, Facebook and all forms of electronic communications media.

24.8. Council members must maintain compliance with the City's Electronic Communications Policy.

**25. Flags, Signs and Posters.**

No flags, posters, placards or signs, unless authorized by the Presiding Officer, may be carried or placed within the Council Chambers, any meeting hall in which the Council is officially meeting, or any meeting hall in which a public meeting is being held. This restriction shall not apply to armbands, emblems, badges or other articles worn on personal clothing of individuals, provided that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another.

**26. News Media.**

The provisions of these rules shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting.

**27. Effect of Rules.**

These rules shall repeal, rescind and replace all other rules and procedures of the Council which may have been formally adopted by resolution or informally adopted by past practice or implied policies. These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business.

These rules of procedure do not grant rights or privileges to members of the public or third parties. The City Council may, by a majority vote, temporarily waive any of the provisions herein.

**28. Censure.**

28.1. The Council has the inherent right to make and enforce its own rules and to ensure the compliance with those laws generally applicable to public bodies. Should any Council member act in any manner constituting a substantial violation of these rules or other general laws, the Council, by majority vote, may discipline that Council member to the extent provided by law, including public reprimand.

28.2. To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council, either in open meeting or in executive session, to discuss any finding that reasonable grounds exist that a substantial violation has occurred.

28.3. Pursuant to Section 33i of the City Charter, after a public hearing, a majority of the Council may remove a Council member from office for attempting to directly or indirectly coerce the City Manager or candidate for the office of manager in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts.

**29. Failure to Follow Rules.**

Failure to follow the rules of the Council in conducting business or to abide by the rules of procedure does not invalidate the decisions of the Council nor will it be grounds to later challenge the validity of the decision.

**30. Amendment/Review.**

These rules may be amended in the manner adopted by Council. The Council will endeavor to review these rules at least every other year after adoption.

# CHARTER OF THE CITY OF COTTAGE GROVE

## PREAMBLE

We, the voters of Cottage Grove, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.

## Chapter I NAMES AND BOUNDARIES

### **Section 1. Title.**

This charter may be referred to as the 2014 Cottage Grove Charter.

### **Section 2. Name.**

The City of Cottage Grove, Oregon, continues as a municipal corporation with the name City of Cottage Grove.

### **Section 3. Boundaries.**

The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record an accurate and current description of the boundaries.

## Chapter II POWERS

### **Section 4. Powers.**

The City has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers.

### **Section 5. Construction.**

The charter will be liberally construed so that the City may exercise fully all powers possible under this charter and under United States and Oregon law.

### **Section 6. Distribution.**

The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to City voters. This charter vests all other City powers in the Council except as the charter otherwise provides. The Council has legislative, administrative and quasi-judicial authority. The Council

exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The Council may not delegate its authority to adopt ordinances.

## **Chapter III**

### **COUNCIL**

#### **Section 7. Council.**

The Council consists of a mayor and six councilors. The City must be divided into four wards. The Council must fix, and may from time to time modify, the boundaries of the wards. Each ward must be represented on the Council by one councilor. Two councilors must represent the City at large. All ward councilors must be elected by the City at large. The mayor and at large councilors must be elected by the City at large.

#### **Section 8. Mayor.**

The mayor presides over and facilitates Council meetings, preserves order, enforces Council rules, and determines the order of business under Council rules. The mayor is a voting member of the Council and has no veto authority. With the consent of Council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of Council decisions. The mayor serves as the political head of the City government.

#### **Section 9. Council President.**

At its first meeting each year, the Council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

#### **Section 10. Rules.**

The Council must by resolution adopt rules to govern its meetings.

#### **Section 11. Meetings.**

The Council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules.

#### **Section 12. Quorum.**

A majority of the Council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by Council rules.

#### **Section 13. 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.



**Section 14. Record.**

A record of Council meetings must be kept in a manner prescribed by the Council rules.

## **Chapter IV LEGISLATIVE AUTHORITY**

**Section 15. Ordinances.**

The Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Cottage Grove ordains as follows:".

**Section 16. Ordinance Adoption.**

(a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the Council at two meetings.

(b) The Council may adopt an ordinance at a single meeting by the unanimous approval of all councilors present, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.

(d) After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.

(e) After adoption of an ordinance, the City custodian of records must endorse it with the date of adoption and the custodian's name and title.

**Section 17. Effective Date.**

Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

## **Chapter V ADMINISTRATIVE AUTHORITY**

**Section 18. Resolutions.**

The Council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Cottage Grove resolves as follows:".

### **Section 19. Resolution Approval.**

(a) Approval 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 approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.

(d) After approval of a resolution, the City custodian of records must endorse it with the date of approval and the custodian's name and title.

### **Section 20. Effective Date of Resolutions.**

Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

## **Chapter VI QUASI-JUDICIAL AUTHORITY**

### **Section 21. Orders.**

The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Cottage Grove orders as follows:".

### **Section 22. Order Approval.**

(a) Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.

(c) After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.

(d) After approval of an order, the City custodian of records must endorse it with the date of approval and the custodian's name and title.

### **Section 23. Effective Date of Orders.**

Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

## **Chapter VII ELECTIONS**

### **Section 24. Councilors.**

The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.

### **Section 25. Mayor.**

The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a two-year term.

### **Section 26. State Law.**

City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for City offices must be nonpartisan.

### **Section 27. Qualifications.**

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the City for at least one year immediately before election or appointment to office. Ward councilors must also reside in the ward represented at the time of their nomination and election.

(b) No person may be a candidate at a single election for more than one City office.

(c) Neither the mayor nor a councilor may be employed by the City.

(d) The Council is the final judge of the election and qualifications of its members.

### **Section 28. Nominations.**

The Council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a City councilor position.

### **Section 29. Terms.**

The term of an officer elected at a general election begins at the first Council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

**Section 30. Oath.**

The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

**Section 31. Vacancies.**

The mayor or a Council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the Council after the incumbent's:

- (1) Failure to qualify for the office within 3 days of the time the term of office is to begin,
- (2) Absence from the City for 30 days without Council consent, or from all Council meetings within a 60-day period,
- (3) Ceasing to reside in the City,
- (4) For ward councilors, ceasing to reside in the ward represented,
- (5) Ceasing to be a qualified elector under state law,
- (6) Conviction of a public offense punishable by loss of liberty,
- (7) Resignation from the office, or
- (8) Removal under Section 33(i).

**Section 32. Filling Vacancies.**

A mayor or councilor vacancy will be filled by appointment by a majority of the remaining Council members. The appointee must be a resident of the same ward as the predecessor in office, unless the predecessor was a Councilor At Large. The appointee's term of office runs from appointment until the next general election, at which time a candidate will be elected to serve the remaining term. If a

disability prevents a Council member from attending Council meetings or a member is absent from the City, a majority of the Council may appoint a councilor pro tem.

## **Chapter VIII APPOINTIVE OFFICERS**

### **Section 33. City Manager.**

(a) The office of City manager is established as the administrative head of the City government. The City manager is responsible to the mayor and Council for the proper administration of all City business. The City manager will assist the mayor and Council in the development of City policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the Council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager need not reside in the City at the time of appointment, but must become and remain a resident of the City while manager.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the Council. The Council must fill the office by appointment as soon as practicable after the vacancy occurs.

(e) The manager must:

(1) Attend all Council meetings unless excused by the mayor or Council;

(2) Make reports and recommendations to the mayor and Council about the needs of the City;

(3) Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits, and other City decisions;

(4) Appoint, supervise and remove City employees;

(5) Organize City departments and administrative structure;

(6) Prepare and administer the annual City budget;

(7) Administer City utilities and property;

(8) Encourage and support regional and intergovernmental cooperation;

(9) Promote cooperation among the Council, staff and citizens in developing City policies, and building a sense of community;

(10) Perform other duties as directed by the Council;

(11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the Council or over the judicial functions of the municipal judge.

(g) The manager and other employees designated by the Council may sit at Council meetings but have no vote. The manager may take part in all Council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the Council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with Council approval.

(i) No Council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal 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.

(j) No person related to the manager or manager's spouse by consanguinity or affinity within the third degree, nor the spouse, will hold any appointive office or employment with the City.

#### **Section 34. Municipal Court and Judge.**

(a) A majority of the Council may appoint and remove a municipal judge. A municipal judge will hold court in the City at such place as the Council directs. The court will be known as the Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the City and areas outside the City as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by City ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by City ordinance.

(e) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Order the arrest of anyone accused of an offense against the City;
- (3) Commit to jail or admit to bail anyone accused of a City offense;
- (4) Issue and compel obedience to subpoenas;
- (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
- (6) Penalize contempt of court;
- (7) Issue processes necessary to enforce judgments and orders of the court;
- (8) Issue search warrants; and
- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The Council may appoint and may remove municipal judges pro tem.

(g) The Council may transfer some or all of the functions of the municipal court to an appropriate state court.

## **Chapter IX PERSONNEL**

### **Section 35. Compensation.**

The Council must authorize the compensation of City officers and employees as part of its approval of the annual City budget. However, no councilor or mayor may receive compensation for serving in their official capacity.

### **Section 36. Personnel Rules.**

The Council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of City employees based on merit and fitness.

## **Chapter X PUBLIC IMPROVEMENTS**

### **Section 37. Procedure.**

The Council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

### **Section 38. Special Assessments.**

The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

## **Chapter XI MISCELLANEOUS PROVISIONS**

### **Section 39. Debt.**

City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize City indebtedness.

### **Section 40. Ordinance Continuation.**

All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

### **Section 41. Repeal.**

All charter provisions adopted before this charter takes effect are repealed.

### **Section 42. Severability.**

The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

### **Section 43. Time of Effect.**

This charter takes effect on January 1, 2015.



Disclaimer: The City Recorder's office has the official version of the Cottage Grove Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.cottagegrove.org/>

City Telephone: (541) 942-5501

[Code Publishing Company](#)

**APPENDIX IX.  
CITY COUNCIL PROCEDURAL RULES**

RESOLUTION NO. 1865

A RESOLUTION REPEALING RESOLUTION NO. 1313 REGARDING ADOPTING  
COUNCIL RULES; AND ADOPTING NEW COTTAGE GROVE CITY COUNCIL  
PROCEDURAL RULES.

WHEREAS, at the November 4, 2014 General Election, the citizens of Cottage Grove considered the possible adoption of a new City Charter, known as the 2014 Cottage Grove Charter; and

WHEREAS, the citizens of Cottage Grove overwhelmingly adopted the 2014 Cottage Grove Charter; and

WHEREAS, the 2014 Cottage Grove Charter makes a number of changes to the City Council's procedures for meetings and adoption of ordinances; and

WHEREAS, the 2014 Cottage Grove Charter goes into effect January 1, 2015; and

WHEREAS, the 2014 Cottage Grove Charter requires the City Council to adopt rules to govern its meetings; and

WHEREAS, the Cottage Grove City Council has prepared and reviewed draft procedural rules to comply with the provisions of the 2014 Cottage Grove Charter; and

NOW, THEREFORE, BE IT RESOLVED that the Cottage Grove City Council Procedural Rules attached hereto as Exhibit A and by this reference incorporated herein are hereby adopted.

BE IT FURTHER RESOLVED that Resolution No. 1313 and all other rules and procedures of the Cottage Grove City Council which may have been formally adopted by resolution or informally adopted by past practice or implied policies are hereby repealed and replaced by the City Council Procedural Rules attached as Exhibit A. The City Council Procedural Rules attached are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business.

BE IT FURTHER RESOLVED that this resolution shall take effect January 1, 2015.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 22nd DAY OF  
DECEMBER, 2014.

ATTEST:

/s/ \_\_\_\_\_

Richard Meyers, City Manager

Dated: 12-22-14

/s/ \_\_\_\_\_

Thomas C. Munroe, Mayor

Dated: 12-22-14

## EXHIBIT A

### COTTAGE GROVE CITY COUNCIL PROCEDURAL RULES

The Cottage Grove City Charter requires the City Council to adopt Council Rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on meetings, conduct, agendas and other matters.

#### **1. Council Authority.**

The Council has the right to require persons attending or participating in any meeting of the Council or addressing the Council to conform to the Rules of the Council and directions of the Mayor or Presiding Officer.

#### **2. Meetings.**

All meetings of the Cottage Grove City Council will be open to the public with the exception of Executive Sessions held under the provisions of the State of Oregon Public Meetings Law. All meetings will be held in a location accessible to the public and in accordance with the Oregon Public Meetings Law. All meetings will be noticed in accordance with the Oregon Public Meetings Law.

The types of meetings are:

2.1. Regular Meetings. The Council will hold regular meetings on the second and fourth Monday of each month at 7:00 pm in the Cottage Grove City Council Chambers.

2.2. Agenda Sessions. The Council may hold Agenda Session meetings prior to a Regular Meeting for the purpose of reviewing the Regular Meeting agenda. Agenda Sessions are for Council discussion and review only, no public input will be accepted and the Council shall not vote or make any commitment regarding future votes. The Council may ask for additional information from City Staff regarding any agenda item.

2.3. Work Sessions. Work sessions of the Council may be held as "information only" meetings, for the Council to hold a general discussion or to receive detailed reports regarding specific topics or projects. Work Sessions are for Council discussion and review only; no public input will be accepted and the Council shall not vote or make any commitment regarding future votes.

2.4. Special Meetings. Special Meetings of the Council may be called with at least 24 hours' notice. Special meetings of the Council are held on other dates or times than Regular Meetings to accommodate Council business.

2.5. Emergency Meetings. An Emergency Meeting of the Council may be called with less than 24 hours' notice pursuant to Oregon Public Meeting Laws. The meeting notice and minutes of the meeting must identify the specific emergency that exists. The Council shall only discuss business directly associated with the actual emergency. Only

the matters creating a need for the emergency meeting shall be discussed or acted upon during the meeting. No other business of the Council shall be conducted or discussed.

2.6. Executive Sessions. Executive Sessions may be held during Regular, Special, Emergency or Work Session Meetings if the Executive Session complies with all applicable provisions of the Oregon Public Meetings Law. The Council shall not vote or make any commitment regarding future votes during an Executive Session, although the Council may reach a consensus in Executive Session which must be confirmed by a formal vote taken in open session. The Mayor and Councilors are expected to maintain the confidentiality of the information discussed in an Executive Session.

### **3. Calling a Meeting.**

An Agenda Session, Special or Emergency Meeting of the Council, may be called by the Mayor, or in the absence of the Mayor, by the Council President or three Councilors. A member of the Council desiring to call an Agenda Session, Special or Emergency meeting shall first contact the Mayor or, in the Mayor's absence the Council President. The Mayor or Council President will contact the City Manager, who will contact other members of the Council, determine if a quorum is available, and determine whether all applicable Oregon Public Meetings Law requirements are met. The City Manager may schedule an Agenda Session, Work Session, Special or Emergency meeting when the Manager determines that such a meeting is needed to carry out Council business. Future Agenda, Special, Emergency or Work Session Meetings may also be set by the Council at a Regular, Special or Emergency Meeting.

### **4. Cancellation of Meeting.**

Upon a majority vote of the Council present at any Council meeting, a future Regular Meeting may be canceled when deemed appropriate. If there is no business to transact or a quorum of the Council cannot attend and there is no urgent necessity to have the meeting, the Mayor, upon the recommendation of the City Manager, may cancel the meeting. Council members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given at least 72 hours prior to the scheduled meeting.

### **5. Quorum.**

The Mayor, or in the Mayor's absence, the Council President, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the City Manager shall attempt to inform the absent member or members, except those known to be unavoidably detained, that their presence is required. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting or compel attendance of the absent member or members.

### **6. Attendance, Excused Absences.**

Members of the Council may be excused from attending a City Council meeting by contacting the Mayor prior to the meeting and stating the reason for their inability to attend. If the member is unable to contact the Mayor, the member shall contact the City Manager or City Recorder, who shall convey the message to the Mayor. If the Mayor is unable to attend, he or she shall contact the City Manager or City Recorder. Absent

Councilers members who do not follow the above process will be considered unexcused, which shall be so noted in the minutes.

## 7. Rules of Order.

The Council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. The Rules of Order should be liberally construed to that end. Council Members should avoid invoking the fine points of parliamentary procedure when such points serve only to obscure the issues before the Council and/or confuse the audience at public meetings and citizens in general.

7.1. Presiding Officer. The Mayor or in the Mayor's absence, the Council President, shall serve as the Presiding Officer. The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal by the Council.

7.2. Pro-tem Presiding Officer. In event of the absence of the Mayor and the Council President, the City Manager shall call the Council to order and call the roll of the members. If a quorum is present, those Councilors present shall elect, by majority vote, a Pro-tem Presiding Officer for that meeting. Should the Mayor or Council President arrive, the Pro-tem Presiding Officer shall relinquish the chair immediately upon the conclusion of the item of business then under consideration before the Council.

7.3. Council Discussion/Debate. Every Councilor desiring to speak shall first address the Presiding Officer, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.

No Councilor shall address the Presiding Officer or demand the floor while a vote is being taken.

Councilors should limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. Members of the Council should refrain from speaking more than once upon any subject until other members of the Council have had a chance to speak to the topic. After all Councilors have had their opportunity to speak, the Presiding Officer will entertain Council action as necessary.

Councilors desiring to question administrative staff shall address questions to the City Manager, who shall be entitled to either answer the inquiry or designate a staff member to do so.

A Councilor, once recognized by the Presiding Officer, shall not be interrupted while speaking, unless called to order by the Presiding Officer or a point of order is raised by any member of the Council while they are speaking. In this case the speaker shall immediately cease speaking until the point is determined. If the Presiding Officer rules that the speaker is in order, the speaker shall be permitted to proceed speaking; if ruled to be out of order, the speaker shall remain silent or shall alter their remarks to comply with the ruling.

All members shall accord the utmost courtesy to each other, staff and the public and refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Members shall confine their questions to the particular matters before the assembly and, in debate, shall confine their remarks to the issue before the Council.

Members shall be removed from the meeting for failure to comply with the decisions of the Presiding Officer and/or for continued violations of the rules of the Council. If the Presiding Officer fails to act, any member may move to require the Presiding Officer to enforce the rules and the affirmative vote of a majority of the Council shall require the Presiding Officer to act.

All members of the Council shall give undivided attention to the discussions and business of the Council during Council meetings. Members shall refrain from personal conversations or correspondence with other members of the Council, staff or public.

7.4. Right to Appeal. Any Councilor may appeal a ruling or inaction (hereinafter a "decision") of the Presiding Officer to the Council. If the appeal is seconded, the member making the appeal may briefly state the reason for the appeal and the Presiding Officer may briefly explain the decision-ruling; but there shall be no debate on the appeal and no other question than, "Shall the decision of the Presiding Officer stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the Presiding Officer is sustained; otherwise, it is overruled.

7.5. Excusal During the Meeting. No Councilor may leave the Council meeting while in regular session without permission from the Presiding Officer.

## **8. Minutes of Council Meeting.**

Written minutes shall be taken for all meetings of the Council, except Executive Sessions for which minutes may be kept in the form of audio recordings. No transcript of Executive Session minutes must be made unless otherwise required by law. The written minutes of Council meetings need not be verbatim transcripts, but shall give a true reflection of the matters discussed at the meeting and the views of those participating in the discussions.

## **9. Agenda.**

The City Manager shall prepare an agenda of the business to be presented at Council meetings. For Regular Meetings no item of business shall be added to an agenda after 5:00 p.m. -on the Tuesday of the week preceding the week of the Regular Meeting for which the agenda has been prepared. For all other meetings no agenda item can be added after public notice of the meeting has been given. The Council shall consider only matters that appear on the agenda for the meetings. The Mayor and members of the Council shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda. Items meeting the deadline may be placed on the agenda by any of the following methods:

9.1. A majority vote of the Council;

9.2. Consensus of the Council;

9.3. By any Council Member in a request to the City Manager which is approved by the Mayor (as applicable) and the City Manager (the agenda item will identify the Council emember who requested the item to be placed on the agenda);

9.4. By the City Manager or City Attorney.

No item shall be added to the agenda after the applicable deadline without the unanimous vote of the Council present at the meeting.

## **10. Order of Business.**

The order of business at Regular Meetings shall be as follows (not all items will be on every Regular Meeting agenda):

- 10.1. Call to Order
- 10.2. Roll Call/Pledge of Allegiance
- 10.3. Items to be added to the agenda
- 10.4. Special Presentations
- 10.5. Appearance of Interested Citizens
- 10.6. Public Hearings
- 10.7. Consent Agenda
- 10.8. Resolutions and Ordinances
- 10.9. Business from the City Council
- 10.10. Business from the City Manager
- 10.11. Business from the City Attorney
- 10.12. Items removed from the Consent Agenda
- 10.13. Executive Session
- 10.14. Adjournment

## **11. Appearance of Interested Citizens.**

There shall be a period of time, not to exceed 30 minutes (unless increased with Council approval), near the beginning of each Regular Meetings for questions or statements on items which are and are de not appear on the agenda. This time is not for the purpose of receiving: 1) comments on agenda issues items for which a public hearing was or will be

~~scheduled on the agenda or 2) cumulative-additional comments on a topic received in the same meeting, or 3) repetitive comments on issues addressed in prior meetings. Comments shall be limited to three (3) five minutes or less per person with Council approval.~~

~~Members of the public wishing to speak in person or virtually must sign up to do so in advance. All interested citizens may sign up on the provided City form before 5 pm the day of the meeting. Interested citizen attending a Council meeting in person may also sign up at the Council Chambers' entrance prior to the Call to Order.~~

## **12. Public Hearings.**

Prior to each public hearing, the Presiding Officer shall announce the nature of the matter to be heard and then ask for the staff report. After the staff report, the Presiding Officer will declare the hearing to be open and invite any member of the audience to come forward to be heard. If appropriate, the Presiding Officer may first ask those persons in favor of the stated matter to come forward, followed by those speaking in opposition. The Presiding Officer may, with the approval of Council, limit the total time of the public hearing, the number of speakers and/or the time each speaker may speak at the public hearing. No limit on the total time of the public hearing or the number of speakers will be imposed for quasi-judicial public hearings; but the Presiding Officer may, with the approval of the Council, limit the time each speaker may speak. The Presiding Officer shall announce all such restrictions prior to the commencement of the hearing.

## **13. Consent Agenda.**

In order to make more efficient use of meeting time, the City Manager may place resolutions, proclamations and similar items that are routine in nature and on which no debate is expected on a "consent agenda." Any item placed on the consent agenda shall be removed at the request of the Mayor or a Councilor prior to the time a vote is taken on the consent agenda items. All remaining items on the consent agenda shall be disposed of by a single motion "to adopt the consent agenda," which shall not be debatable. Adoption of the consent agenda shall be by the affirmative vote of all members of the Council present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are any dissenting votes, each item on the consent agenda shall be voted upon separately in the usual manner.

## **14. Action Items.**

Items for Council action under Resolutions and Ordinances, Business from the City Council, Business from the City Manager and Business from the City Attorney will be taken individually. ~~an opportunity for citizen comments after the staff report and prior to Council discussion on each item, except on items for which a public hearing was or is scheduled to be held. Citizen comment time on each action item will not to exceed 30 minutes. Comments shall be limited to five minutes per person, or less with Council approval. Allowed Comments must address the specific item and cannot be used for additional discussion of other action items on the agenda.~~

## **15. Adoption of Ordinances.**



Per City Charter Section 16, the Council may adopt an Ordinance at a single meeting by the unanimous approval of all Counciler members present, provided the proposed Ordinance is available in writing to the public at least one week before the meeting. To ensure that Counciler members know whether an Ordinance may be adopted at a single meeting, if a proposed Ordinance was available for review at least one week in advance of the meeting at which it will be considered, staff will include within that Ordinance's agenda memo the phrase "This Ordinance could be adopted at one meeting." If the Ordinance was not available for review at least one week in advance of the meeting, staff will include in the agenda memo the phrase "This Ordinance cannot be adopted at one meeting."

The following Ordinance adoption procedure shall be followed:

15.1. At the First Meeting for Ordinance consideration:

15.1.1. The Presiding Officer will introduce the item on the agenda and ask for the staff report on the proposed ordinance.

15.1.2. Staff report is presented.

~~15.1.3. The Presiding Officer calls for citizen comments. If a Public Hearing was held to receive comments on the ordinance no additional comments will be received. Comments will be restricted to no more than 30 minutes total and limited to 5 minutes per person, or less with approval of the Council.~~

15.1.34. The Presiding Officer will ask Council if the Council has any questions of staff. This provides an opportunity for Council to clarify any related issues. Communications will be conducted through the Presiding Officer.

15.1.45. The Presiding Officer will request an Ordinance Number.

15.1.56. The Presiding Officer will call for Council discussion. Councilors will seek recognition from the Presiding Officer and express individual opinions. Discussion items may include ordinance amendments or a motion to postpone. If a motion to postpone passes, discussion is stopped and will resume at this same point in the subsequent meeting designated by the motion.

15.1.67. After all Councilors present have had an opportunity to speak, the Presiding Officer will entertain a motion to adopt the Ordinance. A Councilor may move to adopt the Ordinance. Any such motion will be followed by a second and a roll call vote. Passage requires approval by at least a majority of the Council.

15.1.78. Based upon the vote, the Presiding Officer will announce that "Ordinance # \_\_\_ will be placed on the next meeting agenda for final passage"; "Ordinance # \_\_\_ has failed and will not be adopted"; or if the vote was unanimous and the Ordinance was available to the public at least one week before the meeting, the Presiding Officer will announce, "Ordinance # \_\_\_ has been adopted."

15.2 If required, at the Second Meeting:

15.2.1. The Presiding Officer will introduce the item on the agenda for final adoption and ask for the Staff report.

15.2.2. Staff report is presented.

~~15.2.3. The Presiding Officer calls for citizen comments. If a Public Hearing was held to receive comments on the ordinance no additional comments will be received. Comments will be restricted to no more than 30 minutes total and limited to 5 minutes per person, or less with Council approval.~~

15.2.34. The Presiding Officer asks Council if there are any questions of staff or Council discussion.

15.2.45. The Presiding Officer will call for Council discussion. Councilors will seek recognition from the chair and express individual opinions. Discussion items may include ordinance amendments or a motion to postpone. If a motion to postpone passes, discussion is stopped and will resume at this same point in the subsequent meeting designated by the motion.

15.2.56. After all Councilors present have had an opportunity to speak, the Presiding Officer will entertain a motion, and a Councilor may move to adopt the Ordinance. Any such motion will be followed by a second and a roll call vote.

15.2.67. Based upon the vote, the Presiding Officer will announce that "Ordinance # \_\_\_ has been adopted"; or "Ordinance # \_\_\_ has failed to be adopted."

## **16. Voting Generally.**

Members shall not explain their vote during roll call.

## **17. Duty to Vote.**

Every Councilor member who is present will vote for or against the question before the Council unless the Council excuses that Councilor member from voting. A Councilor member may refrain for just legal cause without being excused by the Council. Councilor members must announce the legal reason or justification for abstaining from voting.

## **18. Reconsideration of Actions Taken.**

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

## **19. Sergeant-at-Arms.**

The Sergeant-at-Arms shall be the Police Chief or an appropriate designee. The Sergeant-at-Arms shall assist the Presiding Officer, as appropriate, to maintain order and decorum at all meetings.

## 20. Administrative Staff and City Employees Addressing Council or Public.

Members of the City Staff desiring to address the Council shall first be recognized by the Presiding Officer and shall address the remarks to the Presiding Officer.- The staff may respond to questions or comments by the Council or members of the public with permission of the Presiding Officer, and shall always do so in a polite, tactful manner.

## 21. Public Members Addressing the Council.

~~The Presiding Officer will individually invite members of the public who signed up to address the Council. A public member desiring to address the Council shall stand and wait to be recognized by the Presiding Officer.~~ After recognition, the person shall state their's name and address shall be stated for the record and the remarks shall be subject to the limitations established by the Council.- All remarks and questions shall generally be addressed to the Presiding Officer and not to any individual Councilor, staff member or other person.- No person shall enter into discussion without being recognized by the Presiding Officer.

## 22. Order and Decorum.

22.1 Any of the following shall be sufficient cause for the Sergeant-at-Arms or virtual meeting monitor to, at the direction of the Presiding Officer, remove any person from the Council Chambers, ~~or~~ meeting hall, or virtual meeting platform for the duration of the meeting:

22.1.1. Failure by a member of the public to refer to City employees, representatives, and officials by their proper title;

22.1.2. Use of unreasonably loud, disruptive or threatening language.

22.1.3. Making of loud or disruptive noise.

22.1.4. Engaging in violent or distracting action.

22.1.5. Willful injury of furnishings or of the interior of the Council Chambers or meeting hall.

22.1.6. Refusal to obey the rules of conduct provided within these rules, including the limitations on occupancy and seating capacity.

22.1.7. Refusal to obey an order of the Presiding Officer.

Before the Sergeant-at-Arms is directed to remove any person from the meeting hall or virtual platform for inappropriate conduct, that person shall be given a warning by the Presiding Officer to cease the conduct.

If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Council present may order that the Council Chambers or other meeting hall or virtual platform be cleared and a recess called until order is restored.

## 22.2. Virtual Meeting Attendance and Participation.

The City's virtual platform monitor may mute or turn off any member of the public's video at any time for violation of these Council Rules. In addition to complying with these Council Rules, members of the public appearing virtually shall:

22.2.1. Sign up to attend and to speak during "Appearance of Interested Citizens" or scheduled hearings on the provided City form by 5 pm on the day of the meeting;

22.2.2. Remain on mute during Council meeting, except when called upon for public comment;

22.2.3. Turn off video, unless presenting to the Council, at which time participants shall be stationary and will ensure their background and dress is appropriate to address the Council;

22.2.4. Conduct no unlawful activity during virtual attendance; and

22.2.5. Present all visual presentations to the virtual platform monitor in advance.

## **23. Seating Capacity and Safety Requirements.**

The safe occupancy and seating capacity of the Council Chambers in compliance with all federal and state public health laws, regulations, and guidance, including Executive Orders and guidance from the Oregon Health Authority, and as further as determined by the Fire Marshal shall be posted within the Council Chambers. The limitations on occupancy and seating capacity shall be complied with at all times.

Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the Council Chambers, and shall not pass beyond the restraining barriers unless requested to do so by the Presiding Officer.

Members of the media may sit in the area designated in the seating plan posted in the Council Chambers, subject to their ability to present media identification.

## **24. Code of Ethics.**

Council members shall comply with all applicable provisions of the State of Oregon's Government Ethics Laws (ORS Chapter 244). In the event of conflict between ORS Chapter 244 and these rules, state law will control.

24.1. Conflicts of Interest. In every case in which a Council member is faced with an actual or potential conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the nature of the conflict, shall remove himself or herself from the Council dais and refrain from participation in both the discussion and the vote on the issue.

24.1.1. An actual conflict of interest means any Council member action, decision, or recommendation that would grant a private pecuniary benefit or avoid a private pecuniary detriment to the Council member, the Council member's relatives, or any business with which the Council member or Council member's relative is associated. ORS 244.020(1).

24.1.2. A potential conflict of interest means any Council member action, decision, or recommendation that could grant a private pecuniary benefit or avoid a private pecuniary detriment to the Council member, the Council member's relatives, or any business with which the Council member or Council member's relative is associated. ORS 244.020(13).

24.2 Each Council member is 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. Council members should constantly bear in mind these responsibilities to the entire electorate and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Council members should likewise do everything in their power to ensure impartial application of the law to all citizens and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station, religion, marital status, familial status, domestic partnership status, sexual orientation, source of income, and disability status.

24.3 If a Council member represents the City before another public body, governmental agency, community organization, or with the media, the Council member should always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes the clarification that these statements do not represent the position of the City Council. Communications of personal opinions or comments should not be accompanied with a statement of the author's status as a member of the Council.

24.4 Individual Council members are not authorized to direct City staff. Access to City employees, contractors, and facilities in a Council member's official capacity must be pre-approved by the City Manager or the City Manager's designee.

24.5. If a Council member wishes to use personal social media accounts to present information that is representative of the City, that Council member must always present the majority position of the Council. Personal social media includes blogs, Twitter, Facebook and all forms of electronic communications media.

24.6. If a Council member wishes to use personal social media accounts as a communication tool for that Council member's personal opinions and comments, that Council member must clarify that their statements do not represent the position of the City Council and ensure compliance with Oregon's Public Records and Meetings laws. Personal social media includes personal blogs, Twitter, Facebook and all forms of electronic communications media.

24.7. Council members are not authorized to post to City social media accounts. City social media includes City blogs, Twitter, Facebook and all forms of electronic communications media.

24.8. Council members must maintain compliance with the City's Electronic Communications Policy.

**245. Flags, Signs and Posters.**

No flags, posters, placards or signs, unless authorized by the Presiding Officer, may be carried or placed within the Council Chambers, any meeting hall in which the Council is officially meeting, or any meeting hall in which a public meeting is being held. This restriction shall not apply to armbands, emblems, badges or other articles worn on personal clothing of individuals, provided that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another.

**256. News Media.**

The provisions of these rules shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting.

**267. Effect of Rules.**

These rules shall repeal, rescind and replace all other rules and procedures of the Council which may have been formally adopted by resolution or informally adopted by past practice or implied policies. These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business.

These rules of procedure do not grant rights or privileges to members of the public or third parties. The City Council may, by a majority vote, temporarily waive any of the provisions herein.

**278. Censure.**

28.1. The Council has the inherent right to make and enforce its own rules and to ensure the compliance with those laws generally applicable to public bodies. Should any Council member act in any manner constituting a substantial violation of these rules or other general laws, the Council, by majority vote, may discipline that Council member to the extent provided by law, including public reprimand.

28.2. To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council, either in open meeting or in executive session, to discuss any finding that reasonable grounds exist that a substantial violation has occurred.

28.3. Pursuant to Section 33i of the City Charter, after a public hearing, a majority of the Council may remove a Council member from office for attempting to directly or indirectly coerce the City Manager or candidate for the office of manager in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts.

**297. Failure to Follow Rules.**

Failure to follow the rules of the Council in conducting business or to abide by the rules of procedure does not invalidate the decisions of the Council nor will it be grounds to later challenge the validity of the decision.

**30. Amendment/Review.**

These rules may be amended in the manner adopted by Council. The Council will endeavor to review these rules at least every other year after adoption.