

**CITY OF FLORENCE  
RESOLUTION NO. 1, SERIES 2019**

**A Resolution Amending the Council Rules of Procedure and amending  
Resolution No. 4, Series 2018.**

RECITALS:

1. The Council Rules of Procedure are required per Florence City Charter Section 15 and are the standard processes for the City Council to ensure regularity in enforcement of City Council protocol when it comes to meetings, receiving public correspondence and other actions of the City Council.
2. The City Council has determined that these rules of procedure should be updated to meet the current needs of the City.


Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:


1. The City of Florence amends Resolution No. 4, Series 2018 – Exhibit A - Council Rules of Procedure, Chapter 2 – Meeting Time, Location and Frequency, Section 2 – Work Sessions, as follows:
  - c. Meeting Time. Work sessions shall generally begin at 10:00-9:00 a.m., unless otherwise amended per Section 2(e) of this section.
2. This Resolution shall become effective immediately upon adoption.

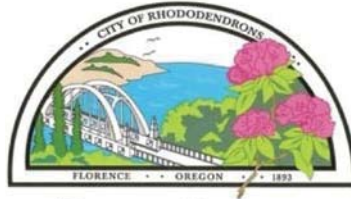
ADOPTION:

This Resolution is passed and adopted on the 7<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
Joe Henry, Mayor

Attest:

  
\_\_\_\_\_  
Kelli Weese, City Recorder



*City of Florence*  
**A City in Motion**

# Florence City Council Rules of Procedure

Adopted March 19, 2018  
Resolution No. 4, Series 2018  
Exhibit A

[Amended by Resolution No. 1, Series 2019 – Adopted January 7, 2019](#)

## Table of Contents

<b>Chapter 1:</b> General Governance	Page 2
<b>Chapter 2:</b> Meeting Time, Location and Frequency	Page 6
<b>Chapter 3:</b> Public Comment, on Items Not on the Agenda	Page 9
<b>Chapter 4:</b> Public Comment, on Action Items	Page 11
<b>Chapter 5:</b> Public Hearings, Non-Land Use	Page 13
<b>Chapter 6:</b> Land Use Hearings	Page 15
<b>Chapter 7:</b> Motions & Debate	Page 18
<b>Chapter 8:</b> Ethics, Decorum, Outside Statements	Page 19
<b>Chapter 9:</b> Interactions with Staff	Page 20
<b>Chapter 10:</b> Censure and Removal	Page 21

# Chapter 1 – General Governance

1. **Rules of Procedure.** The Florence City Council establishes the following rules for the governance of its members and proceedings.
  - a. Robert's Rules. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, shall be guided by Robert's Rules of Order, 11<sup>th</sup> Edition.
    - i. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the Council and confuse members of the public.
    - ii. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.
  - b. Rule of Order Question. The Council shall resolve any question involving a rule of order by taking a vote of the Council members present at the meeting.
  
2. **Quorum:** A quorum is required to conduct official city business.
  - a. Definition. The members of the Council are the City Councilors and Mayor. Three Members of the Council shall constitute a quorum. In the event a quorum is not present, the members of the Council present shall adjourn the meeting.
  - b. Compelling Attendance. The Council may adjourn a meeting to compel the attendance of absent members.
  
3. **Presiding Officer.**
  - a. Appointment of President and Vice-President. At the first meeting of each odd numbered year, the Council shall elect a President and Vice-President from its membership.
  - b. Mayor. The Mayor shall preside over all meetings, unless excused. 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.
  - c. Council President. In the Mayor's absence the President of the Council shall preside over the meeting. The President of the Council shall retain all rights and privileges of the office of the Mayor as set out in the city charter when acting in this capacity.
  - d. Council Vice-President. If both the Mayor and the President of the Council are absent from the meeting, the Vice-President of the Council shall preside over the meeting. The Vice-President of the Council shall retain all rights and privileges of the office of the Mayor as set out in the city charter when acting in this capacity.
  - e. Presiding Officer Debate. The Presiding Officer may take part in any debate and may make or second a motion. The Presiding Officer shall vote on all questions before the Council except in the cases of conflict of interest.
  - f. Preservation of Order. The Presiding Officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for creating an actual disruption of the meeting, and to enforce the rules of the council.

4. **Agendas.** The City Manager in consultation with the Presiding Officer, shall prepare an agenda for every Council meeting.
  - a. Agenda Availability. Agendas and informational material for meetings shall be distributed to the Council at least three (3) days preceding the meeting. Copies of the agenda shall be made available on/to:
    - i. The City of Florence website,
    - ii. Interested parties email distribution list, and
    - iii. One copy shall be posted on a bulletin board at City Hall or other appropriate public location.
  - b. Agenda Approval. No Council approval shall be required for an agenda of any meeting.
  - c. Agenda Creation.
    - i. The City Manager may place routine items, items referred by staff, or items approved for action in the City work plan, on the agenda without Council approval or action.
    - ii. The City Manager may remove or amend any items on the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal at the beginning of the meeting.
  - d. Council Agenda Item Request. A member of the Council who wishes to have an item placed on the agenda for discussion shall advise the Presiding Officer and City Manager at least one week prior to the meeting. Requests outside the purview of the City Council, municipal policies and procedures, or that do not in general move the City toward its established goals are to be discouraged.
  
5. **Order of Business.** The order of business for all regular meetings may be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by the Presiding Officer.
  - a. Call to Order, Roll Call, Pledge of Allegiance
  - b. Presentations & Announcements
  - c. Public Comment on Items not on the agenda
  - d. Consent agenda
  - e. Items removed from the consent agenda
  - f. Public Hearings and Related Action Items
  - g. Action Items
  - h. Report Items
  
6. **Call to Order, Roll Call, Pledge of Allegiance.**
  - a. Call to Order. The Presiding Officer shall call all meetings of the Council to order.
  - b. Roll Call. The Presiding Officer shall note the attendance of the Council to determine which members of the Council are present and which are absent.
    - i. If roll call determines that a quorum is not present, the meeting shall be adjourned.
  - c. Pledge of Allegiance. The Presiding Officer shall lead the Council and audience in the pledge of allegiance.

7. **Announcements & Presentations.** Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Presentations are intended to be ceremonial or informational in nature and include *(not necessarily in this order)*:
  - a. Proclamations as approved by the Presiding Officer,
  - b. Reports from outside entities or interested parties as approved by the Presiding Officer,
  - c. Reports from boards, commissions or committees,
  - d. Awards or recognitions of individuals by the Council or City Manager.
  - e. When appropriate, announcements / presentations to the Council should include written materials provided to the Council concurrent with the meeting materials.
  - f. Announcements / presentation items should generally not exceed 15 minutes in length for each item.
  - g. The Council may ask questions of the presenter upon conclusion of the announcement / presentation.
  
8. **Public Comment, on Items Not on the Agenda.** See Chapter 3
  
9. **Consent Agenda.** In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
  - a. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
  - b. Any item on the consent agenda may be removed for separate consideration by any member of the Council.
  - c. For the purposes of this rule, separate consideration means:
    - i. Any proposal to adopt a different course of action than that recommended in the staff report,
    - ii. A determination that debate on a proposed course of action is deemed desirable,
    - iii. Any questions to staff on an item, and
    - iv. Any item where a member of Council must declare a conflict of interest.
  
10. **Public Hearings and Related Action Items.** See Chapters 5 and 6
  
11. **Action Items.** Action items are items that are up for a vote by the City Council. Types of Council actions include:
  - a. Ordinances. Ordinances are actions by the Council used to establish a long-term rule, policy or procedure and are generally used to add, amend, or repeal sections of the City's Code.
  - b. Resolutions. Resolutions are actions by the Council used to establish special or temporary rule, policy or procedure and are generally used to implement requirements of City ordinances and state statutes.

- c. Motions. Motions are actions by the Council that are less formal than ordinances and resolutions and are the vehicle for calling for a vote on any matter before the City Council, including ordinances and resolutions. Motions can be used to express an opinion, adopt a policy, or direct further action. For the rules for motions and debate, see Chapter 7.

**12. Report & Discussion Items.** Report and discussion items are intended to be internal City related reports, announcements and general internal discussions. These items are an opportunity for the City Council and Manager to maintain open communications on topics of interest to any party, topics requested for future agenda item, topics of relevance to City functions or topics of overall interest to the community, and include *(not necessarily in this order)*:

- a. Financial Reports
- b. Progress Reports on City work plan items
- c. Reports on City administration items
- d. Preliminary reports on items to come before the Council for decision at a later date
- e. Board and Committee Reports
- f. City Council calendar updates
- g. City Manager Reports / Discussion Items
- h. City Council Reports / Discussion Items
  - i. City Council reports are a time allocated for the following:
    - 1. Council reports on activities relating to Council business, City interest and other community announcements.
    - 2. The Mayor or any Council member may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda. These matters shall not be acted upon by the City Council until a subsequent meeting, unless there is a compelling reason. This excludes direction to the City Manager.

## Chapter 2 – Meeting Time, Location and Frequency

1. **Regular Meetings.** Regular meetings are recurrently scheduled meetings of the City Council set aside for Council action and communication.
  - a. Charter Provision. Per Florence Charter, the Council shall hold a regular meeting at least once per month.
  - b. Meeting Date. The Council shall meet every first and third Monday of each month, with exceptions as shown in Chapter 2 (6) of these rules.
  - c. Meeting Time. Meetings shall generally begin at 5:30 p.m., unless otherwise amended per Section 1 (e) of this section.
  - d. Meeting Duration. Meetings are generally intended to last no more than two hours.
  - e. Scheduling. A change of any regular meeting shall be made by the City Manager after consultation with the City Council.
  
2. **Work Sessions.** Work sessions are used to present information to the Council so that the Council is prepared for regular or special meetings. They are a primary tool for the Council to discuss upcoming agenda items in their preliminary state to ensure Council direction is included throughout the process.
  - a. Purpose. 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.
  - b. Meeting Date. The Council shall schedule a work session, to be held as necessary, on the Wednesday following a regularly scheduled Council meeting per Chapter 2 Section 1 of these rules. These work sessions shall be scheduled pending exceptions as shown in Chapter 2 (6) of these rules.
  - c. Meeting Time. Work sessions shall generally begin at ~~9~~<sup>10</sup>:00 a.m., unless otherwise amended per Section 2 (e) of this section.
  - d. Meeting Duration. Work sessions are generally intended to last no more than two hours.
  - e. Scheduling. Work sessions are to be scheduled by the City Manager in consultation with the City Council.
  
3. **Executive Sessions.** Executive Sessions are those meetings allowed by limited and specifically identified circumstances in State Statute to be held in a confidential setting.
  - a. Scheduling. Executive sessions may be called by the Presiding Officer, by the request of two members of Council, by the City Manager or by the City Attorney. The City Manager shall schedule an executive session in consultation with the City Council.
  - b. Attendance. Only members of the Council, the City Manager, City Attorney, City Recorder and persons specifically invited by the City Manager or the City Council shall be allowed to attend executive sessions.
  - c. News Media. Representatives of the news media may attend executive sessions per the City's Executive Session News Media Attendance Policy.



4. **Special Meetings.** Special meetings are those meetings, either general or work sessions, of the City Council that do not occur during the regular standard meetings times.
  - a. Scheduling. Special meetings may be called by the Presiding Officer, by a request of two members of the Council, or by the City Manager. The City Manager shall schedule a Special meeting in consultation with the City Council.
  
5. **Emergency Meetings.** Emergency meetings are those meetings called with less than 24 hours' notice for specific emergency situations.
  - a. Scheduling. Emergency meetings may be called by the Presiding Officer, by a request of two members of the Council, or by the City Manager. The City Manager shall schedule an Emergency meeting in consultation with the City Council.
  - b. Reason for Emergency. The Presiding Officer shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
  - c. Minutes. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.
  
6. **Goal Setting Session.** Goal setting sessions are a special type of work session of the City Council used to discuss the City Council goals, review progress on the City work plan, and discuss potential additions / amendments to the work plan. These sessions may also include City Council training and, as appropriate, guest speakers.
  - a. **Role of Council Goals & Work Plan.** The Council goals and work plan are used to direct City activities and spending over the planning period including staff and volunteer time allocations. The goals and work plan are used as a guideline for the budget.
  - b. **Scheduling.**
    - i. Goal setting sessions may be called by the Presiding Officer, by a request of two members of the Council, or by the City Manager.
    - ii. Goal Setting Sessions shall occur in conjunction with the City Council election cycle, at either and/or both:
      1. The end of each even numbered year
      2. The beginning of each odd numbered calendar year.
    - iii. In addition, Goal Setting Sessions may occur as needed to discuss amendments to the Council goals and/or work plan.
    - iv. The City Manager shall schedule a Goal setting session in consultation with the City Council.
  - c. **Meeting Duration.** Goal setting sessions are longer work sessions of the City Council which may have a duration between two to eight hours.



7. **Annual Council Meeting Calendar Scheduling.** Prior to the beginning of each calendar year, the City Council shall schedule their regular and work sessions for the upcoming year. Such scheduling shall take into consideration the following:
- a. Charter Requirements. Florence City Charter requires the Council meet in a regular session at least one time per month. Any recess of the Council shall be in compliance with the regulations within the City Charter.
  - b. Holidays. In the event a regular meeting or work session occurs on a holiday recognized by the City, the regular meeting for that week may be:
    - i. Rescheduled to the following Monday,
    - ii. Rescheduled to the following Monday as a tentative meeting date, to occur if necessary
    - iii. Canceled,
  - c. Council Recess. If possible, the Council shall be in a recess during the following dates each calendar year.
    - i. Half of at least one month during the summer (June, July, August).
    - ii. The week prior to the Christmas Holiday, and the week between the Christmas Holiday and the New Year's Day holiday.
  - d. Other Scheduling Concerns. The City Council may elect to amend their standard meeting schedule to meet the needs of the Council and/or City Manager. The City Manager may make such amendments in consultation with the City Council.
8. **Location.**
- a. Primary Location. City Council meetings shall be generally held at City Hall.
  - b. Alternate Locations. In the event City Hall is not available for a meeting, or has been determined to be inappropriate for the meeting as determined by the City Manager, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the City.
  - c. Training Sessions. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
  - d. Interjurisdictional Meetings. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
  - e. Location Qualifications. No Council meeting shall 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, sexual orientation, source of income or disability is practiced.
9. **Notice.** The City Recorder shall ensure that notice to all meetings is provided in accordance with Oregon's public meeting law.
10. **Attendance.** As soon as practicable, members of the Council shall notify the City Manager and/or City Recorder if they will be unable to attend any meetings.

## Chapter 3 – Public Comment, on Items Not on the Agenda

1. **Open Meetings.** Oregon Public Meeting Law guarantees the public a right to monitor the meetings of public bodies. It does not grant the public the right to interact with the public bodies during those meetings. Nevertheless, the Presiding Officer shall generally allow citizen comment within the orderly conduct of Council meetings, but the Presiding Officer has the right to deny it.
2. **Time Limitation.**
  - a. Total Time Limitation. The public comment period shall not exceed a maximum of 15 minutes, unless a majority of Councilors present vote to extend the time.
  - b. Speaker Time Limitation. Speakers are limited to three minutes, unless a majority of Councilors present vote to extend the time.
3. **Speaker's Card.** Persons wishing to speak during public comment must complete a 'Speaker's Card' within five minutes of the call to order of the meeting, and turn it in to the City Recorder, to ensure their wish to comment is documented.
4. **Speaker Order.** Generally, the speakers will be called upon in the order in which they have turned in their Speaker's Card. Should there be more speakers than can be heard for three minutes each during the 15-minute public comment period, the Presiding Officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
5. **Speaking Topics.** Members of the public may speak about any topic, except as provided below.
  - a. Items on the Agenda. If a member of the public wishes to speak on an item that is scheduled for a public hearing or on the agenda, the speaker shall wait until that agenda item.
  - b. Other Exceptions. Public comment shall 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 hearing's official, or to 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.
6. **Additional Speakers.** In special circumstances, the Presiding Officer may allow additional persons to speak that have not completed a Speaker's Card, if sufficient time is left in the public comment period.

7. **Questions of Speakers.** Dialogue between Council and speakers is discouraged. Standard practice shall call for limited interaction with Council and speakers during public comment periods. However, after a speaker has addressed the Council, Councilors may ask clarifying questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit questioning to no more than three minutes. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.
8. **Questions of Staff.** After a speaker has addressed the Council, the Presiding Officer may ask staff to answer any question or correct misinformation. If staff does not have the answer readily available they will inform the Council of the need to research the issue and will follow up with the speaker and the Council with an answer.
9. **Written Communications.**
  - a. Written Communication Submitted During a Meeting. Should a speaker wish to distribute written materials, the speaker should provide a copy for each member of the Council and the City Recorder, who will place the item in the record. In the event a speaker has not provided enough copies, the Council may review the item during the public comment period, and then give the copy to the City Recorder to place into the meeting's record.
  - b. Written Communication Outside of Meeting. Interested parties or their authorized representatives may address the Council by written communication in regard to any matter concerning the City's business over which the Council has control at any time by direct mail, email, or by addressing the City Manager and requesting that copies be distributed to the City Council.
  - c. Confidentiality. 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 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 pursuant to ORS 192.455(1).

## Chapter 4 – Public Comment, On Action Items

1. **Generally.** The public shall be entitled to comment on all action items before the Council.
2. **Order of Proceedings.** Public comment shall occur after the action item has been presented by City staff and before the Council takes any formal action on the matter.
3. **Time Limitation.**
  - a. Total Time Limitation. The public comment period on action items shall not exceed a maximum of 15 minutes, unless a majority of Councilors present vote to extend the time.
  - b. Speaker Time Limitation. Speakers are limited to three minutes, unless a majority of Councilors present vote to extend the time.
4. **Speaker's Card.** Persons wishing to speak during public comment must complete a 'Speaker's Card' within five minutes of the call to order of the meeting, and turn it in to the City Recorder, to ensure their wish to comment is documented.
5. **Speaker Order.** Generally, the speakers will be called upon in the order in which they have turned in their Speaker's Card. Should there be more speakers than can be heard for three minutes each during the 15-minute public comment period, the Presiding Officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
6. **Additional Speakers.** In special circumstances, the Presiding Officer may allow additional persons to speak that have not completed a Speaker's Card.
7. **Questions of Speakers.** After a speaker has addressed the Council, Councilors may ask questions of speakers. Councilors shall use restraint when exercising this option and shall attempt to limit questioning to no more than three minutes. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.
8. **Questions of Staff.** After a speaker has addressed the Council, the Presiding Officer may ask staff to answer any question or correct misinformation. If staff does not have the answer readily available they will inform the Council of the need to research the issue and will follow up with the speaker and the Council with an answer.
9. **Written Communications.**
  - a. Written Communication Submitted During a Meeting. Should a speaker wish to distribute written materials, the speaker should provide a copy for each member of the Council and the City Recorder, who will place the item in the record. In the event a speaker has not provided enough copies, the Council may review the item during the public comment period, and then give the copy to the City Recorder to place into the meeting's record.

- b. Written Communication Received Prior to the Meeting. Interested parties or their authorized representatives may address the Council by written communication prior to a Council meeting, by submitting comments via email, direct mail, or by addressing the City Manager and requesting that copies be distributed to the City Council.
  - i. All written comments received prior to Council meeting material distribution will be included in those materials prior to the meeting.
  - ii. All written communications received after the Council meeting material distribution will be provided to the Council at the Council meeting.
- c. Confidentiality. 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 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 pursuant to ORS 192.455(1).

## Chapter 5 – Public Hearings, Non-Land Use

1. **Purpose of Hearing.** A public hearing may be held on any matter upon majority vote of the Council.
2. **Speaker's Card.** Persons wishing to speak must complete a 'Speaker's Card' within five minutes of the call to order of the meeting, and turn it in to the City Recorder, to ensure their wish to comment is documented.
3. **Public Hearing Announcement.** The Presiding Officer or City Recorder shall announce the commencement of any public hearing, the subject of the hearing as set forth on the agenda, shall declare the hearing open and state the time of public hearing opening.
4. **Addressing Council.** All remarks shall be addressed the Council as a body, and not to any specific member of the Council or to the audience.
5. **Speaker Time Limits, Non-Land Use Hearings.** Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to 5 minutes.
6. **Council Follow Up Questions of Public.** Councilors may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony.
  - a. Purpose of Questions. Questions posed by Councilors 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 an individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the Council when exercising this option.
  - b. Role of Presiding Officer. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.
7. **Council Follow Up Questions of Staff.** Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff.
  - a. Purpose of Questions. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.
8. **Role of the Presiding Officer.**
  - a. Exclusions / Limitations upon Speakers. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters and may request speakers conclude their remarks if necessary.

- b. Order of Testimony. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition.
  - i. In the event of large numbers of interested persons appearing to testify, the Presiding Officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and note the numbers to the public for inclusion in the minutes.

**9. Council Options After Public Hearing.** At the end of public testimony and questions of staff, the Council may choose to:

- a. Initiate deliberations on the matter
- b. Continue the hearing
- c. Leave the record open for additional written testimony.

**10. Written Testimony.** A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City Recorder.

- a. Written Communication Submitted During a Meeting. Should a speaker wish to distribute written materials, the speaker should provide a copy for each member of the Council and the City Recorder, who will place the item in the record. In the event a speaker has not provided enough copies, the Council may review the item during the public comment period, and then give the copy to the City Recorder to place into the meeting's record.
- b. Written Communication Received Prior to the Meeting. Interested parties or their authorized representatives may address the Council by written communication prior to a Council meeting, by submitting comments via email, direct mail, or by addressing the City Manager and requesting that copies be distributed to the City Council.
  - i. All written comments received prior to Council meeting material distribution will be included in those materials prior to the meeting.
  - ii. All written communications received after the Council meeting material distribution will be provided to the Council at the Council meeting.
- c. Confidentiality. 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 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 pursuant to ORS 192.455(1).



## Chapter 6 – Land Use Hearings

1. **Speaker’s Card.** Persons wishing to speak must complete a ‘Speaker’s Card’ within five minutes of the call to order of the meeting, and turn it in to the City Recorder, to ensure their wish to comment is documented.
2. **Addressing Council.** All remarks shall be addressed the Council as a body, and not to any specific member of the Council or to the audience.
3. **Who may speak.** Any party may speak in person or through an attorney.
4. **Subject of Testimony.** Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the Council.
5. **Speaking More than Once.** No person may speak more than once without obtaining permission from the Presiding Officer.
6. **Questions of Party.** Upon being recognized by the Presiding Officer, any member of Council, the City Manager, applicable Staff, or the City Attorney may question any person who testifies.
7. **Role of Presiding Officer.** The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite the hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and note the numbers of such persons for the public and to record in the minutes.
8. **Written Testimony.** A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City Recorder either before or during the public hearing. If the testimony or evidence is not submitted to the City Recorder, it shall not be included in the record for the proceeding.
  - a. Written Communication Submitted During a Meeting. Should a speaker wish to distribute written materials, the speaker should provide a copy for each member of the Council and the City Recorder, who will place the item in the record. In the event a speaker has not provided enough copies, the Council may review the item during the public comment period, and then give the copy to the City Recorder to place into the meeting’s record.
  - b. Written Communication Received Prior to the Meeting. Interested parties or their authorized representatives may address the Council by written communication prior to a Council meeting, by submitting comments via email, direct mail, or by addressing the City Recorder and requesting that copies be distributed to the City Council.
    - i. All written comments received prior to Council meeting material distribution will be included in those materials prior to the meeting.
    - ii. All written communications received after the Council meeting material distribution will be provided to the Council at the Council meeting.

- c. Confidentiality. 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 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 pursuant to ORS 192.455(1).

**9. Speaker Time Limits, Land Use Hearings.** There shall be no limitations on speaking time at land use hearings, for applicants / appellants. All other speakers shall be limited to five minutes per speaker.

**10. Quasi-Judicial Land Use Matters.**

- a. Limits on Council Participation. A member of the Council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
  - i. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter.
  - ii. 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.
- b. Ex-Parte Contact Disclosure. Members of the Council shall reveal any ex-parte contacts with regard to the proceedings at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.
- c. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
  - i. Land Use Hearing Disclosure Statement. The City Recorder shall read the land use hearing disclosure statement following state law guidelines.
  - ii. Call for Ex-Parte Contacts. The City Recorder shall inquire whether any member of the Council has had any ex-parte contacts. Any member of the Council announcing an ex-parte contact shall state for the record the nature and content of the contact.
  - iii. Staff Summary. Planning Staff shall present a summary and recommendation concerning the proposal. The summary shall include a list of the applicable criteria.

- iv. Presentation of the Case.
  - 1. Proponent's Case. (no time limit)
  - 2. Persons in favor. (5 minutes per party)
  - 3. Persons opposed. (5 minutes per party)
  - 4. Other interested persons (5 minutes per party)
  - 5. Staff Response. (no time limit)
  - 6. Proponent Rebuttal. The scope of the rebuttal is limited to matters which were introduced during the hearing. (no time limit)
- v. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff.
- vi. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- vii. Findings and Order. The Council may approve or reject the proposal.
  - 1. The Council shall adopt findings to support its decision.
  - 2. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

## 11. Legislative Land Use Matters.

- a. Hearings Procedures. The order of procedures on legislative land use matters shall be:
  - i. Land Use Hearing Disclosure Statement. The City Recorder shall read the land use hearing disclosure statement following state law guidelines.
  - ii. Staff Summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  - iii. Presentation of the Case.
    - 1. Proponent's Case. (no time limit)
    - 2. Persons in favor. (5 minutes per party)
    - 3. Persons opposed. (5 minutes per party)
    - 4. Other interested persons. (5 minutes per party)
  - iv. Close of Hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
  - v. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
  - vi. 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 and argument. The same notice requirements shall be met for the reopening hearing as were required for the original hearing.

## Chapter 7 – Motions & Debate

1. **Motions.** All motions shall be distinctly worded. The following rules shall apply to motions:
  - a. No Second. If a motion does not receive a second, it dies.
  - b. Discussion of Motion. The Council will be allotted the opportunity to discuss a motion after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
  - c. Motion in Writing. Any motion shall be reduced to writing if requested by a member of the Council.
  - d. Amending a Motion. A motion to amend can be made to a motion on the floor and has been seconded.
  - e. Tie Votes. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
  - f. Role of Presiding Officer. Should debate on a motion ensue, the Presiding Officer shall repeat the motion prior to a vote.
  
2. **Debate.** The following rules shall govern the debate of any item being discussed by Council:
  - a. Addressing Presiding Officer. Every Council member desiring to speak shall address the Presiding Officer, and, upon recognition by the Presiding Officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
  - b. Interruptions. A Council member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

## Chapter 8 – Ethics, Decorum, Outside Statements

1. **Ethics.** All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:
  - a. Disclosing confidential information.
  - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - c. Expressing an opinion contrary to the official position of the Council without so saying.
  - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  
2. **Decorum.**
  - a. Role of Presiding Officer. The Presiding Officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal to the Council.
  - b. Responsibilities of Council. 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. Responsibilities of Staff and Attendees. Members of the City staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
  
3. **Statements to the Media or 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 may only state the official position of the City, as approved by a majority of the Council.
  - b. Personal Opinions. If a member of the Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

## Chapter 9 – Interactions with Staff

1. **Staff Interactions.** All members of the Council, to include the Mayor, shall respect the separation between the Council's role and the City Manager's responsibility by:
  - a. Interference. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  - b. Authority of Staff. Refraining from actions that would undermine the authority of the City Manager or a department head.
  - c. Requests of Staff. 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 nature shall be directed to the City Manager.
    - i. Questions to the City Manager from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
    - ii. Members of Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

## Chapter 10 – Censure and Removal

- 1. Council Rules Enforcement.** The Council may enforce these rules and ensure compliance with city ordinances, charter, and state law applicable to governing bodies. If a member of Council violates these rules, City ordinances, the 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 or removal as provided for in the City charter.
- 2. Investigations.** The Council may investigate the action of any member of Council and meet in executive session under ORS 192.660(2)(b) 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. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).