

*CITY COUNCIL*

*PROCEDURAL GUIDELINES*

City of Aumsville

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## **1. AUTHORITY:**

### 1.1 Charter

The Charter of the City of Aumsville, Oregon, provides that the council may determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the council, and until such time as they are amended, or new rules adopted in the manner provided by these rules.

## **2. GENERAL RULES:**

### 2.1 Meetings to be Public

All official meetings, except where state or local law allows Executive Sessions for limited topics, shall be open to the public. The meeting minutes shall be open to public inspection.

### 2.2 Quorum

A majority of the council members shall constitute a quorum and be necessary for the transaction of business. If a quorum cannot be present, those in attendance shall postpone the meeting due to lack of a quorum. They will announce the date and time of the next meeting. If a council member is unable to attend a scheduled meeting, councilor shall inform the Mayor or City Administrator, prior to the meeting to receive an excused absence.

### 2.3 Compelling Attendance

If the action is time sensitive, the council may adjourn from the meeting to compel the attendance of absent council members in numbers sufficient to constitute a quorum.

### 2.4 Meeting Minutes

An account of all proceedings of the council shall be kept by the City Administrator, or designee, and shall be entered in a book constituting the official record of the council. These minutes will be a summary of the meeting that must be confirmed by the council at a future meeting.

### 2.5 Ordinances to be Confined to One Subject and Exceptions

An ordinance is a matter approved by council intended to be a long-term action, they shall not relate to more than one subject and the subject shall be clearly stated in its title. Ordinance examples are establishing a city utility fee, land use requirements and providing the authority for a specific program within the community.

### 2.6 Right of Floor

Any council member desiring to speak shall be recognized by the presiding officer and confine his/her remarks to the subject under consideration or to be considered. The council member must follow the approved protocol.

### 2.7 City Administrator

The City Administrator shall attend all meetings of the council unless excused, and perform other duties as the council prescribes, consistent with the city charter.

## 2.8 Rules of Order

Except as otherwise provided, Robert's Rules of Order Newly Revised shall govern parliamentary processes of this public body. The council has modified these rules to accommodate small board operations. The Mayor shall enforce the rules of the council. The intent is conduct business in an orderly manner and ultimately determines the direction of the council as a whole.

## **3. TYPES OF MEETINGS:**

### 3.1 Regular Meetings

The council shall meet in the Community Center or City Hall for Regular, Recessed, and Special Meetings. The council currently holds two meetings a month at 7:00 p.m. on the second Monday and fourth Monday of each month, unless otherwise rescheduled, or cancelled by council.

### 3.2 Special Meetings

Special meetings may be called by the presiding officer, by request of three members of the council, or by the City Administrator.

- Notice of the special meeting shall be given to each member of the council, the City Administrator and each person or entity which has on file a written request for notice of special meetings.
- Notice of the special meeting shall be given to all members of the council and the City Administrator via telephone and email.
- Special meetings shall be noticed in accordance with Oregon's Public Meetings Law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. The notice shall list the location, time, and principal subject to be considered.

### 3.3 Emergency meetings

Emergency meetings may be called by the presiding officer, by the request of three members of council, or by the City Administrator.

- Notice of the emergency meeting shall be given to each member of the council, the City Administrator, and each person or entity for which a written request is on file for notice of special meetings.
- Notice of the emergency meeting shall be given to all members of council and the City Administrator via telephone and email.
- Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order. .

- The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

### 3.4 Recessed Meetings

Any meeting of the council may be recessed to a later date and time, provided such recess is not for a longer period than the next regular meeting.

### 3.5 Work Sessions

The council may meet informally in Work Sessions (subject to State Public Meetings Law), at the call of the Mayor, or of any three council members, or City Administrator to review forthcoming programs of the city, receive progress reports on current programs or projects, or receive similar information from the City Administrator, provided all discussion and conclusions thereon shall be informal. Work sessions are to provide council a detailed understanding of the issues, as such, there is no public participation in the discussion.

### 3.6 Executive Sessions

Executive sessions, or meetings closed to the public, may be held in accordance with the provisions of the State Public Meetings Law. The council shall only discuss topics that are permitted pursuant to current state law in any executive session or closed meeting. All decisions, if any, shall be made in an open public meeting by the council after the executive session has been closed. Members of the public cannot attend.

### 3.7 Attendance of Media at Council Meetings:

All official meetings of the city council shall be open to the media.

## **4. ORDER OF BUSINESS AND AGENDA:**

### 4.1 Order of Business

The general rules as to the order of business in regular meetings shall be as follows: The City Administrator may change the order, add, or remove agenda items, with approval of City Council.

### 4.2 Agenda

The order of business of each meeting shall be as contained in the agenda prepared by the City Administrator. The agenda shall be a listing of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of council to consider additional subjects or alter the order, if approved by the majority of the council. The agenda shall be available to council members by Thursday of the week before the regular meeting and 24 hours preceding the special meeting to which it pertains.

1. Call to Order - Pledge of Allegiance, Roll Call
2. Proclamations, Presentations, Visitors, Public Comment for all items except public hearings
3. Consent Agenda
4. Public Hearings

5. Old Business
6. New Business
7. City Administrator's report
8. Mayor's / Council Reports and Initiatives
9. Good of the Order
10. Correspondence
11. Executive Session
12. Adjournment

#### 4.3 Council initiatives

The agenda shall provide a time when the Mayor, or any council member, may bring before the council any business he/she feels should be deliberated by the council. These matters need not be specifically listed on the agenda, but formal action of such matters may be deferred until a subsequent council meeting; immediate action may be taken upon a vote of the majority of the council as a whole. The intent is to make sure all council members have an opportunity to bring up any issue to the group. Staff may request time to bring information back to the council regarding the new issue.

#### 4.4 Public Members Addressing the Council

Any member of the public desiring to address the council under public comment period must first be recognized by the presiding officer. Before speaking, a person states his or her name and address. Speakers are asked to limit comments to three minutes each with a limit of five speakers. The presiding officer, with permission from council, may extend the time allowed and the number of speakers if they feel the information provided would be in addition to the previous testimony. Council should refrain from debating public comments, allow the presiding officer to address the speaker, or simply thank them for their comments. The open public meeting act requires council to allow public to attend council meetings; however, there is no requirement to allow the public to participate in discussions. The chair can allow additional comments after the council business is concluded in good of the order.

After a Question has been called, or after a public hearing has been closed, no public member shall address the council. The council and mayor should avoid immediate and protracted response to citizen comments. Speakers may offer objective criticism of council operations and programs, but the mayor/city council will not hear complaints concerning specific city personnel. The Mayor will gavel these comments out of order and direct the visitor to the appropriate means of city consideration and disposition of legitimate complaints involving individuals.

#### 4.5 Public Hearings

The presiding officer may, with the approval of council, limit the time and number of speakers at each public hearing. The presiding officer shall announce the restriction prior to the commencement of the hearing. The presiding officer shall declare the hearing to be open and ask the members of the council if they wish to abstain or declare ex-parte contact. Staff has provided a hearing format with the process and order required by law to the elected officials.



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

Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.

### Conflicts of Interest

- A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if the member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
- Members of the council shall reveal any ex-parte contacts with regard to the proceeding 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.

### 4.6 Reading of Minutes

Unless a reading of the minutes of a council meeting is requested by a majority vote of council members, such minutes may be approved without reading if the City Administrator or his/her designee previously furnished each council member a copy thereof.

## **5. ORDINANCES, RESOLUTIONS, AND MOTIONS:**

### 5.1 Form

Ordinances and resolutions shall be presented to the council either electronically or printed, whichever form the council prefers.

### 5.2 Funding

All ordinances authorizing an expenditure of money shall meet with all County/State Budgetary and public contracting requirements.

### 5.3 Distribution of Ordinances

The City Administrator shall prepare copies of all proposed ordinances for distribution to all council members at least four days before the council meeting at which the ordinance is to be introduced. If the ordinance carries an emergency clause, copies of the ordinance must be distributed at least five days prior to the council meeting at which the ordinance is to be considered.

### 5.4 Ordinances Deferred, Emergencies, Appropriations, and Exceptions

Ordinances introduced at a council meeting shall be finally acted upon in accordance with the city charter.

### 5.5 Ordinance Enactment

Except as this section provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.

An ordinance may be enacted at a single meeting of the council by unanimous vote of all council members present, upon being read first in full and then by title.

#### *Reading by Title Only*

Any of the readings may be by title only if:

- no council member present at the meeting requests to have the ordinance read in full, or
- a copy of the ordinance is provided for each council member and a copy is provided for public inspection in the office of the city administrator not later than one week before the first reading of the ordinance, and notice of its availability is given by written notice posted at the city hall and two other public places in the city.

### 5.6 Consideration of Ordinances

Each proposed ordinance shall be read in accordance to the city charter.

### 5.7 Numbering Ordinances and Resolutions

Prior to presenting or passage, a number shall be assigned to each ordinance or resolution by the City Administrator or his/her designee. Numbering for resolutions shall be four digits: the first two numbers to indicate the sequence of order for the year and the last two numbers shall indicate the year in which the Ord was adopted. Ordinances are numbered in succession, unless the city administrator deems a reason to skip or alter the sequence.

### 5.8 Ordinance Passage Procedure

When passed by the council, an ordinance shall be signed by the City Administrator with the date of its passage and his/her name and title of office. Within three days thereafter, the mayor shall sign it with the date of his/her signature, name, and title of office. It shall then be immediately filed and thereafter preserved with official city documents.

An ordinance enacted by the council shall take effect on the thirtieth day after its approval. When the council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

## **6. PRESIDING OFFICER AND DUTIES:**

### 6.1 Presiding Officer

The Mayor shall preside over all meetings of the council. In the absence of the Mayor, the council president shall preside. In the absence of both the Mayor and council president, the council shall elect a temporary presiding officer.

## 6.2 Call to Order

The meetings of the council shall be called to order by the presiding officer.

## 6.3 Preservation of Order

The presiding officer shall preserve order and decorum; prevent attacks on personalities and the impugning of council members' motives, and confine council members in debate to the question under discussion.

## 6.4 Debating

Each council member should get an opportunity to speak in the debate before someone talks a second time. The preservation of equal opportunity is the foundation for parliamentary procedure.

## 6.5 Points of Order

The presiding officer shall determine all points of order, subject to the right of any council member to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be overturned?" The majority of the council may then vote to overturn the Presiding officer's decision.

## 6.6 Questions to be stated

The presiding officer may state the questions submitted for a vote, or simply call for the question and announce the results. A roll call vote shall be taken upon the request of any council member. The presiding officer shall ask for all those in favor and regardless of the number in favor, shall also ask for all those opposed to each action item.

## 6.7 Rules of Debate

The majority of the body decides the question. Small board structures and Roberts Rules Basic Principal is that the majority of any governing body resolves the questions before the body.

If your motions fails, do not take it personally; the motion or the question failed, not you personally. You are just seeking to answer the question. Do not keep score for your fellow council members.

## 6.8 Participation

All members should be given an equal opportunity to weigh in on the question. The mayor or any councilor may move a question, second a motion, debate, and vote.

## 6.9 Motions

A question is presented for decision by the council by means of a main motion.

- A Competing motion shall be necessary to change a motion once made and seconded. This is called a *secondary motion*. The secondary motion must be considered first; if passed, the main motion is automatically disposed. If rejected, the main motion is called for the question to the council.

- Motions are not made in the negative. "I move that we do not adopt the presented (Question)." The proper course would be to not make, or second, the motion to adopt the (Question), in which case the action fails due to lack of motion or second; or do not vote in favor, in which case the motion will not prevail, in the majority.
- A motion may be withdrawn prior to a vote by the maker of the motion.
- A motion does not become a valid motion until it receives a second.
- Points of order can proceed without a second.
- A motion to table an action, delays discussion, is not debatable, and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular meeting, at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.
- A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or at a specifically identified later meeting.
- A motion to postpone indefinitely is debatable and is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote. It is useful in disposing of a badly chosen main motion that cannot be either adopted, or expressly rejected, without possibly undesirable consequences.
- A motion to call for the question closes debate on the main motion and is not debatable. The presiding officer will call for a vote on ending the debate first, if that vote prevails by a majority, the debate ends and the question is then presented for resolution.
- A motion to reconsider something previously adopted can be applied to any main motion which has been adopted, provided that none of the action involved has been carried out in a way which it is too late to undo. These motions must be made by any prevailing member, are debatable and are amendable. The motion requires a two-thirds vote.

#### 6.10 MAIN MOTIONS - I move to approve?

- Brings new business before the assembly.

#### 6.11 SUBSIDIARY MOTIONS (lowest to highest) – I move to postpone?

- **Postpone Indefinitely** (Kill a Motion)
- **Amend** (Change a Motion)
- **Refer to a Committee** (Let a Committee Investigate)

- **Consider Informally** (Have The Assembly Act as a Committee)
- **Postpone to a Certain Time** (Put Off to Another Time)
- **Postpone to a Certain Time Made Into a Special Order** (To Ensure That a Motion Will Be Taken up at a Specified Time)
- **To Limit or Extend The Limits of Debate** (Shorten or Lengthen Debate)
- **Call the Question** (Stop Debate)
- **To Lay on the Table** (Set Aside Temporarily)

#### 6.12 PRIVILEGED MOTIONS (lowest to highest)

- **Call for the Orders of the Day** (Stick to the Agenda)
- **Raise a Question of Privilege** (Welfare of Individual/assembly)
- **Recess** (Take a Break)
- **Adjourn** (End Meeting Now)
- **Fix the Time to Which to Adjourn** (Set Another Time to Continue the Meeting)
- **Fix the Time at Which to Adjourn** (To Set the Time to Adjourn the Meeting)

#### 6.13 INCIDENTAL MOTIONS (no rank -- must be taken up immediately)

- **Point of Order** (To Correct a Breach in the Rules)
- **Appeal From The Decision of The Presiding Officer or Appeal** (To Disagree with the Presiding Officer's Ruling)
- **Request For Permission to Withdraw or Modify a Motion** (Withdraw or Modify a Motion Without Taking a Vote)
- **Object to Consideration of a Question** (To Prevent the Main Motion from Being Considered)
- **Division of The Assembly** (To Doubt the Result of the Vote)
- **Suspend the Rules** (To Set Aside a Rule of the Assembly)

#### 6.14 Council Discussion

The following general rules govern council discussion and debate:

- When any councilor would like to speak in debate or deliver any matter to the council, the councilor shall respectfully address the presiding officer by raising their hand and wait for the presiding officer to recognize the council member. The member speaking shall confine remarks to the question in debate and avoid personal comments or attacks.
- During public hearings, councilors shall remain open to public testimony of citizens and suspend judgment until review of all information and testimony is complete.
- When an action is deferred, the council specifies what additional information is needed and when an item will be reconsidered.
- Questions are asked to clarify information rather than to state an opinion. When possible, councilors ask staff questions before a meeting. Councils should not attempt to surprise staff with issues or questions at the council meeting.

- Councilors are open, direct, and candid in their communications with each other. Councilors should avoid personal attacks on other councilors, city staff and particularly the public.
- The council will treat each other in a courteous, respectful manner.
- Remarks are limited to the question at hand. City policy should not be changed during consideration of a specific question. Instead, policy changes should be scheduled separately on a future agenda.

#### 6.15 Administrative Staff and City Employees Addressing Council or Public

Members of the city staff providing subject matter expertise and staff reports, 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 if directed to do so by presiding officer. but shall always do so in a polite, tactful manner.

#### 6.16 Voting

- The vote on every motion shall be taken by voice vote or roll call, and entered in the record. The presiding officer will call for the question by stating all those in favor, followed by all those opposed, even if the ayes constitute full council participation. If a member has not voted either way, they can announce that they will abstain. In this event, it's customary to state your reason.
- A majority of the members of the council must be present at a council meeting to decide any question before the council. If the members present do not constitute a majority, they may meet and compel an absent member to appear and reconvene for the purposes of taking action. A majority of the present members will prevail on any questions before the council unless otherwise outlined in the City Charter.
- A council member should not abstain because it's an unpopular subject, or they do not want to take a position. A council member should abstain because of a conflict or connection that would render them non-objective.
- Council action shall not require a roll call vote unless requested by any member of the council. Members shall not explain their vote during roll call.
- "Potential Conflict of Interest" means any action by a councilor, which would be to the private pecuniary (financial) benefit or detriment of the councilor or a member of the councilor's household, or a business with which the councilor or member of the councilor's household is associated.
- "Bias" – No councilor shall participate in any manner in a quasi-judicial decision if the councilor has actual bias regarding the decision. Actual bias means prejudice or prejudgment of facts to such a degree that a councilor is incapable of rendering an objective decision on the merits of the case.

- “Ex-Parte Contact” – before participating in any quasi-judicial decision, a councilor shall declare any ex-parte contacts. An ex-parte contact is an oral or written communication with a member of the council regarding the merits of the case made outside of the public hearing process during the pendency of a proceeding. (Communication with staff is not an ex-parte contact). Effective declaration of an ex-parte contact shall include identification of the party and disclosure of the nature of the communication.

### 6.17 Council Protocols

- Council will elect, by majority vote, at the first meeting of the new council every biennium (odd year), the council president, whom presides in the mayor’s absence.
- Executive sessions: If the council in executive session provides direction or consensus to the City Administrator on proposed terms and conditions for any type of negotiations (e.g. property acquisition or disposal, existing or likely litigation, employee negotiations), contact with the opposing party is by the designated representative handling the negotiations. A councilor does not contact or discuss the negotiations with the other party or the party’s representative, or communicate to anyone the substance of discussions held in executive session.
- Confidential information: Councilors will keep secret the content of materials that are confidential under law. No mention of confidential information, read or heard, should be made to anyone other than other councilors, the Mayor, the City Administrator, appropriate staff, or the city attorney.
- Relationship with staff: A councilor who desires major policy or ordinance research from the city staff should obtain approval from the council as a whole or the mayor before requesting the services. The City Administrator will be responsible for directing the appropriate staff or city contractor to develop that information. Any written information material requested by a councilor or the Mayor is to be distributed to the entire council with a notation indicating which council member requested the information; the communication channel will be the City Administrator.
- Relationship with Committees and Commissions: Councilors have the right to attend meetings of city committees and commissions, but should not become involved in discussions of those groups unless they are the liaison members of those bodies. (See Commissioners roles and responsibilities) The council is discouraged from attending quasi-judicial hearings.
- Evaluation of City Administrator: The council, at least annually, evaluates the performance of the City Administrator. All council members participate in furnishing written evaluations of the administrator. The administrator decides whether the session is open or closed to the public. The administrator has the right to respond to comments made during the session. Following an evaluation session, the council

and Mayor may take appropriate action, merit raises, performance feedback, and performance plans. The City Administrator is also the Human Resource Director for the City. A collaborative process should be outlined with the City Administrator to develop the format for this evaluation; however, the City Administrator should not be involved in gathering or dissemination of the raw information. This should be done by the Mayor or his designee.

- 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:
  - Disclosing confidential information.
  - Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  - Expressing an opinion contrary to the official position of the council without so saying.
  - Conducting themselves in a manner so as to bring discredit upon the government of the city.
- Decorum:
  - The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the 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.
  - 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.
- Statements to the Media and Other Organizations:
  - 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.
  - 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.



## **7. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS:**

### 7.1 Citizen Committees, Boards and Commissions

The council may create committees, boards, and commissions to assist in the conduct of the operation of the city government with such duties as the council may specify not inconsistent with the city charter.

### 7.2 Membership and Selection

The mayor shall appoint membership and selection of members, unless specified by the city charter. *The council can override the mayoral appointment or appointee by a two-thirds majority decision.* Any committee, board, or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the council. No committee, board or commission shall have powers other than advisory to the council, except as otherwise specified by the city charter or city ordinance.

### 7.3 Removal of Members of Boards and Commissions

The council may remove a member of any board, commission, or committee which it has created, or as created by the city charter, by majority vote of the council.

### 7.4 Council / Commissioner Roles and responsibilities

All members of City Council have equal votes. No council member has more power than any other council member, and all should be treated with equal respect. Council members must recognize that they act collectively as a governing body during properly noticed public meetings. Members must recognize that they do not have authority to make decisions, or take individual actions on behalf of City Council unless expressly directed to do so by the City Council.

#### City Council

- The city council is a policy board: It is council member's responsibility to establish law, policies and overall vision of the city; he/she does not direct fellow councilmember's or City staff.
- City council acts in all quasi-judicial proceedings.
- Serve as part of the budget committee.
- City Council formally approves the city budget.
- City Council serves as the Board of Appeals.

#### Mayor

- The Mayor presides over meetings and is responsible for maintaining an orderly

process.

- The Mayor is the administrative liaison between City Council and City Staff.
- The Mayor is the public relations officer for the council and speaks for the city council as a whole.
- The Mayor is the ceremonial lead for all community events, regional meetings, and to other government agencies. The Mayor may delegate these duties as needed.
- The Mayor answers correspondence directed to the elected officials as a body or may request delegation of this assignment to the city administrator.
- The Mayor appoints committee members and commissioner assignments in accordance with the city charter.

### Commissioners / Liaisons

- Commissioner positions are liaison positions; they are established to develop a team approach to city sub-committees and operation.
- Commissioners advise and report to the City Administrator and/or the city council any complaints of a policy nature.
- Commissioners serve as the liaison between the city council and City Administrator for the assigned department.
- Commissioners attend meetings related to their assignment and report to City Council changes, or proposed changes, in state laws or administrative agencies directives that may impact the City or its residents.
- The City Administrator and Mayor are encouraged to request commissioners to provide input on testimony that may come before an agency or state governmental body.
- No commission member may contact contract employees, or consultants and task them with work on behalf of the city, commission members are encouraged to contact the City Administrator to request information needed for their perspective assignments.

## **8. CITIZENS' RIGHTS:**

### 8.1 Addressing the Council

Any person desiring to address the council by oral communication shall first secure permission of the presiding officer. Organizations who wish to address the council shall contact the City Administrator one week prior to the council meeting to ask to be officially

placed on the agenda. The council has provided an opportunity for members to address them on any matters on the agenda or of general interest. Those who would like to address the council are encouraged to keep their comments brief and to the point. If you would like to testify or speak about an issue that is scheduled for a public hearing its appropriate to address those topics as part of the public hearing.

### 8.2 Personal and Slanderous Remarks

Any person making personal, impertinent or slanderous remarks, or who becomes boisterous while addressing the council, may be requested to leave the meeting and may be barred by the presiding officer from further audience before the council. (Must be limited to a specific meeting) person must prevent the meeting from continuing before they can be compelled to leave.

### 8.3 Reading of Protests

Interested persons, or their authorized representatives, may address the council for the reading of protests, petitions, or communications relating to any matter over which the council has control, when the item is under consideration by the council and a majority of the council present agrees to let them be heard. Any person addressing council must be recognized by the presiding officer before proceeding.

### 8.4 Refer Citizens Complaints

The council or mayor may refer citizen's complaints to the City Administrator unless the complaints are directed toward City Administrator and the accusation violates state or local laws, in which case the council may elect a three-council panel to investigate and report back at an Executive Session of the city council, as appropriate by public meeting law. (to investigate formal charges or illegal acts)

### 8.5 Written Communications

Interested parties, or their authorized representative, may address the council anytime by written communication in regard to any matter concerning the city's business or over which the council has control. Such communication may be by direct mail or given to the City Administrator for copies to be distributed to the council members.

## **9. SUSPENSION AND AMENDMENT OF THESE RULES:**

### 9.1 Suspension of these Rules

Any provision of these rules not governed by the city charter may be temporarily suspended by a vote of a majority of the council. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.

### 9.2 Amendment of these Rules

These rules may be amended, or new rules adopted, by a majority of all council members, provided the proposed amendments or adoptions shall have been introduced into the record at a prior council meeting. Such amendments must be consistent with the City Charter and Oregon State Law.

## 10. COURTESY NORMS AND PROTOCOL

- To be courteous and professional at all times.
- To praise in public, and criticize in private.
- Raise hand and wait to be recognized by the presiding officer during council meetings.
- Use formal titles such Mayor (last name) and Councilor (last name) during formal council meetings.
- No surprise rule. Council members should make every attempt to ask questions in advance of a formal meeting, or bring forward any relevant information on policy or discussion items, if council member feels like answers would require research.
- City Administrator recognizes that an informed policy body is the most effective means to establishing sound public policy and therefore shall strive to both ask and answer any questions relevant to creating and managing policy in Aumsville.
- City Administrator will notify council of any issues that could be media worthy or emerging community issues, as soon as possible, to the extent that it can be predicted, or is known by the administrator.
- Do not attempt to surprise fellow members or staff with issues or information at a formal council meeting.
- City Council should bring any request forward to the City Administrator for research on information or task and refrain from approaching staff directly.
- City Council should show up to meetings prepared and on time.

### 10.1 Communication plan

Public communications by council members: Council members note whether they speak for themselves or for the council in written and oral communications to other officials, the public and the news media. However, it's important that city messages follow a channel of communication and be clearly defined. The Mayor and City Administrator are considered the public relations officials. Media contacts regarding city issues should be directed to them. You are a council member and you cannot shed that title easily. People will assume you are representing the city and the city's position at meetings, on social media, the media, and just one on one in the community.

- Always defer to the City Administrator or Mayor when addressing city position or technical data. (This is the reason we have subject matter experts)
- Unless the media contact is about you, or an action you have taken, always refer them to the City Administrator or Mayor for official comment.
- Do not offer an opinion unless this is an expressed position of the Council.
- Make sure you are accurately representing the majority position.
- It's okay to refer members of the public to staff.
- Do not try to resolve issues when dealing with members of the public. Bring those issues to staff to resolve.

- If you feel like you are compelled to comment, make sure you state that this is your opinion and that you cannot speak for the entire council.
- Social media is a double-edged sword. Postings often contain incorrect information. Your role should be directing community members to the correct information source or sources. This could be city staff or statewide resources. (Do not debate members on social media.) Telling someone they are wrong will only cause them to respond with additional information that is most likely inaccurate as well. The idea is not to disagree, but offer resources that contain factual information.

### 10.2 Council Members Behavior and Conduct

- City council members who intentionally and repeatedly do not follow proper conduct may be reprimanded, or formally censured, by the council. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by council, such as loss of committee assignment (Mayoral decision). Council members should point out to the offending council member infractions of the Code of Conduct.
- It is the responsibility of the council to initiate action if a council member's behavior may warrant sanctions. The alleged violation(s) may be brought up with the full council in a public meeting.
- If a violation of the Code of Conduct is outside of the observed behaviors by the Mayor or council members, the alleged violation should be referred to the City Administrator. The City Administrator should investigate the allegation and report the findings to the council. It is the Council's responsibility to take the next appropriate action. These actions can include, but are not limited to, discussing and counseling the individual on the violations; recommending sanction(s).
- A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a council decision.

### 10.3 Council Conduct / Interaction with City Staff

Governance of a city relies on the cooperative efforts of elected officials, who set policy, and city staff, who implement and administer the council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- Treat all staff as professional  
Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- Limit contact to specific City Staff  
Questions of city staff and/or requests for additional background information should be directed only to the City Administrator or department heads. Requests for follow-up or directions to staff should be made only through the City Administrator. When in doubt about what staff contact is appropriate, council

members should ask the City Administrator for direction. Materials supplied to a council member in response to a request will be made available to all members of the Council so that all have equal access to information.

- Do not disrupt city staff from their jobs  
Council members should not disrupt city staff while they are in meetings, on the phone, or engrossed in performing their job functions, in order to have their individual needs met.
- Never publicly criticize an individual employee  
Council members should never express concerns about the performance of a city employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.
- Do not get involved in administrative functions  
Council members must not attempt to influence city staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.
- Check with city staff on correspondence before taking action  
Before sending correspondence, council members should check with city staff to see if an official city response has already been sent, or is in progress.
- Do not attend internal city office meetings with city staff unless invited by staff.  
Even if the council member does not say anything, the council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
- Limit requests for staff support  
Requests for staff support – even for high priority or emergency situations, should be made to the City Administrator whom is responsible for allocating city resources in order to maintain a professional, well-run city government.
- Do not solicit political support from staff  
Council members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from city staff. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace.
- The city administrator is authorized to task or assign contracted staff including the city attorney. Council members shall work through the City Administrator with questions or concerns, unless the city council, by majority vote at an open meeting, provided a council member the authority to contact the city attorney on behalf of the council as a whole. The council shall designate the scope of this contact.

10.4 Signature, sources

The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Aumsville council members and in addition to state laws governing ethics and conduct. Councilmembers and the Mayor are agreeing as a whole to be bound by the terms of this document unless a motion to suspend the rules has been approved.

Authorities relied upon, or employed in the preparation of this document include:

ORS 192.620-192.690

ORS 244.010-244.042

League of Oregon Cities: City Handbook, published: May 2013, Model Council Procedure Guide.

I affirm that I have read and understand the City of Aumsville City Council Personal Code of Conduct. Council should reconfirm and/or modify this protocol manual each odd year.

Signature\_\_\_\_\_

Date \_\_\_\_\_