

**City Council  
Procedural Guidelines  
and  
Code of Conduct**



**City of Aumsville**

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**Appendix A, City of Aumsville Organizational Chart**

**Appendix B, City Charter**

**Appendix C, City Council Goals 2019-2020**

**Appendix D, Legislative Public Hearing Flow Chart**

**Appendix E, Council Motion Flow Chart**

**Appendix F, Ordinance Flow Chart**

**Appendix G, Parliamentary Motions Guide**

## **SOURCES**

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

1. [ORS 192.620-192.690](#)
2. [ORS 244.010-244.042](#)
3. [ORS 244.060 and ORS 244.070](#)
4. [League of Oregon Cities: Model Rules of Procedure for Council Meetings, March 2017](#)
5. [League of Oregon Cities, Guide to Executive Sessions, April 2019](#)
6. [League of Oregon Cities, FAQ on Legislative, Administrative and Quasi-Judicial Decisions, September 2017](#)
7. Robert's Rules of Order Newly Revised
8. [Attorney General's Public Records and Meetings Manual, June 2019 State of Oregon, Department of Justice; Ellen F. Rosenblum, Attorney General](#)

## **1. AUTHORITY:**

### **1.1 Charter**

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

The City Council Procedural Guidelines and Code of Conduct document shall be considered the definitive document relating to ethical conduct by Aumsville Council members and in addition to state laws governing ethics and conduct. The laws and regulations mentioned and referenced in this document shall be observed above any rules or recommendations outlined in this document.

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

### **2.1 Suspension of these Rules**

Any provision of these rules contained in this document not governed by the City Charter may be temporarily suspended by a vote of a majority of Council. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.

### **2.2 Amendment of these Rules**

These rules may be amended, or new rules adopted, by a majority vote 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.

## **3. GENERAL RULES:**

### **3.1 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 and held in a location that does not discriminate based on "race, color, creed, sex, sexual orientation, national origin, age or disability." The meeting minutes (written report of meetings, outlined in ORS 192.650) shall be open to public inspection. (ORS 192.630) Executive sessions (meetings closed to the public) are held in special cases (ORS 192.660 and Section 5.5 of this document).

### **3.2 Attendance of Media at Council Meetings**

All official meetings of City Council shall be open to the public, including the media. Representatives of the media may attend executive sessions as permitted by law. For the purposes of executive sessions held by the Council, a representative of the news media is a news gatherer who has a formal affiliation with an entity formally organized

for the purpose of gathering and disseminating news. The Council must inform any media attending an executive session what aspects of the executive session can be reported and what cannot. Persons unaffiliated with a formal news entity or media representatives that are a member of or affiliated with a litigation against the city (if the session is closed to the opposing party) do not fall under this rule and are allowed to be excluded. If there is any doubt on who/what constitutes as media, consult the city attorney.

### **3.3 Notice**

Public notice of meetings is required by ORS 192.640. Public notice of a public hearing is posted appropriately 1 week prior to the meeting. Regular Council meeting notices are posted appropriately 72 hours prior to the regular meeting.

### **3.4 Quorum**

A majority of Council members shall constitute a quorum and be necessary for the transaction of business. If a quorum cannot be present, those in attendance will be named and Council shall meet at a later date, postponing the meeting or delaying until absent members' arrival due to lack of a quorum. A councilor shall inform the Mayor or City Administrator, prior to the meeting, if the councilor is unable to attend a Council meeting. (Appendix B; City Charter, Section 14, and LOC Model Procedures for Council Meetings 'LOC' pg 4)

### **3.5 Meeting Minutes**

An account of all proceedings of Council (minutes) shall be kept by the City Administrator, or designee, and shall be entered in a book constituting the official record of Council. The meeting minutes shall include at least roll call of council members present; all motions, proposals, resolutions, orders, ordinances proposed; results of votes; and substance of any discussion (ORS 192.650). The meeting minutes are public record.

### **3.6 Right of Floor**

Any Council member desiring to speak shall raise their hand, be recognized by the presiding officer, and confine his/her remarks to the subject under present or future consideration.

### **3.7 Participation**

All Council 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. It is best practice for the Mayor to act in the capacity as chair and weigh in last in discussion and when voting.

### **3.8 Rules of Order**

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

### **3.9 Debating**

Each person 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. Small board structures and Robert's Rules Basic Principal is that the majority of any governing body resolves the questions at hand.

## **4. ROLES AND RESPONSIBILITIES:**

**Statement of Economic Interest:** "On or before April 15 of each year (after the date of an appointment takes effect) a verified statement of economic interest (SEI) must be filed with the Oregon Government Ethics Commission (OGEC). "Every elected city or county official" (ORS 244.050) falls under this requirement. (see also ORS 244.060 and ORS 244.070) The city clerk reports all city officials in office as of January to the OGEC. OGEC emails out an 'invitation to register' to each of the city officials with instructions on how to create an account and submit their SEI information. If an official does not have internet access, the city clerk will assist in filing the form online. The only way to file is online; they will not accept paper forms. See the city clerk for any questions. <https://apps.oregon.gov/OGEC/EFS/>

See Appendix A for City of Aumsville chain of command.

### **4.1 City Administrator**

"The city administrator is the administrative head of the city government." The supervision of city employees, city contracts, preparation of city budget are some responsibilities performed by the City Administrator. The City Administrator shall "keep the council advised of the affairs and needs of the city" (a complete list of City Administrator responsibilities is in Section 20 of the City Charter). The City Administrator is appointed by and can be removed by the majority vote of Council. The City Administrator shall attend all meetings of Council unless excused, and perform other duties as Council prescribes, consistent with the City Charter (Appendix B, City Charter, Section 20). The City Administrator may participate in any discussion but has no authority to vote in any decision rendered by City Council (LOC pg 5).

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 City Administrator.

#### **4.2 Presiding Officer**

The Mayor shall preside over all meetings of Council. In the absence of both the Mayor and Council president, Council shall elect a temporary presiding officer. "Should either the mayor or president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed" (LOC pg 5).

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.

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.

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 sustained?" The majority of Council may then vote to sustain the presiding officer's decision. (LOC pg 4)

#### **4.3 President of the Council**

"At the first meeting of each odd-numbered year, the council shall elect a president from its membership as provided in its rules. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of office, the president shall act as mayor." (Appendix B; City Charter, Section 16).

#### **4.4 City Council**

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

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 Council.

#### **4.5 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 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.
- The Mayor appoints committee members and commissioner assignments (with approval from Council).

#### **4.6 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.

#### **4.7 Administrative Staff and City Employees Addressing Council or Public**

The presenting staff member providing subject matter expertise or staff reports shall first be recognized by the presiding officer and shall address the remarks to the Council. The staff may respond to questions or comments by Council or members of the public, with permission of the Mayor/presiding officer. but shall always do so in a polite, tactful manner. It's important to ask the Mayor/presiding officer for permission to respond to members of the public.

### **5. TYPES OF MEETINGS:**

### **5.1 Regular Meetings**

Council shall meet in the Community Center or City Hall for Regular, Recessed, and Special Meetings. Council currently holds two meetings per month at 7:00 p.m. on the second and fourth Monday unless otherwise rescheduled or cancelled by Council. For regular meetings that fall on holidays: the City Administrator will ask Council if they would like to meet on that day or reschedule. Council can decide which as a whole.

### **5.2 Special/Emergency Meetings**

A special meeting is a meeting that is called for a matter that cannot wait until the next Council meeting. Special meetings must have the justified reason for the meeting stated clearly in the minutes (ORS 192.640). They are not for safety emergencies, just time-sensitive issues in which Council and the public have been given notice no later than 48 hours prior to the meeting. Special Meetings may be called by the Mayor or at the request of three Council members.

The notice for a special or emergency meetings shall specify the day, the hour, and the location of the meeting and shall list the principal subject(s) to be considered (LOC pg 12).

### **5.3 Recess or Postponed Meetings**

Any meeting of Council may be postponed to a later date and time, provided such postponement is not for a longer period than the next regular meeting. A shorter form of postponement is a recess within one meeting (i.e., 10-minute break for emotions to clear or to acquire more information).

### **5.4 Work Sessions**

“Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings” (LOC pg 13). Generally, a work session is called by the City Administrator to review details of technical information about an upcoming subject matter since he/she is the one generally providing that information. Council may meet informally in work sessions (ORS 192 610-670), at the call of the Mayor, City Administrator, or of any three Council members 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.

### **5.5 Executive Sessions**

“Executive session” means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters (ORS 192.610).

Executive sessions, or meetings closed to the public, may be held in accordance with the provisions of the State Public Meetings Law. A reason to hold this type of meeting may be that the subject of the meeting (employee, public officer, underage student, labor negotiator, committee, etc.) does not wish the hearing to be public. Another reason is that there will be discussion and/or negotiations or “information or records that are exempt by law from public inspection” (ORS 192.660).

All decisions of the executive session, if any, shall be made in an open public meeting by Council after the executive session has been closed. “Executive sessions may be

called by the presiding officer, by the request of three members of council, by the city manager [city administrator] or by the city attorney” (LOC pg 13).

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. Council will move to meet privately to discuss things such as labor negotiations, disciplinary, contracts, or land purchase, etc. Executive sessions will be scheduled with the consent of the City Administrator or the city attorney to make sure the executive session is within the allowable exceptions required by ORS.192.660.

## **5.6 Public Hearings**

“A public meeting may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters” (LOC pg 8). Public hearings give the public and Council an opportunity to weigh and judge a significant matter at hand in a formal, public setting.

Legislative hearings are mainly the result of changes in city operations (i.e., budget-related changes, rate changes, adoption of general plans, or zoning ordinances). Quasi-judicial hearings are often the result of individual applications on a specific parcel or project.

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 (Appendix D, Legislative Hearing Flow Chart and LOC pg 8).

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

### **6.1 Order of Business and 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, change the order, or remove items. The agenda shall be available to Council members at least 72 hours before the regular meeting and 24 hours preceding the special meeting to which it pertains (ORS 192.640). “A member of council who wishes to have an item placed on the agenda shall advise the city manager [city administrator] at least one week prior to the meeting” (LOC pg 5).

City of Aumsville’s official Agenda Order of Business is as follows:

### **1. Call to Order - Pledge of Allegiance, Roll Call**

The meetings of Council shall be called to order by the presiding officer. "The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes." (LOC pg 5). The city clerk will conduct roll call to determine which Council members are present or absent.

### **2. Proclamations, Presentations, Visitors, and Public Comment for all items except public hearings**

Public Members Addressing Council: "Persons wishing to speak during public comment must sign in the 'speaker's roster' with the person's name and address and the topic upon which the person wishes to speak, not later than the call to order" (LOC pg 7). Any member of the public desiring to address Council under public comment period must first be recognized by the presiding officer and generally are called in the order on the roster. Before comment, a person of the public shall state his or her name and address. Speakers are asked to limit comments to five minutes each. Additional persons not on the roster may be allowed to speak if there is time left on the public comment period. Council should not debate public comments, but instead allow the presiding officer to address the speaker or simply thank them for their comments. The Oregon open public meeting laws require 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 Council business is concluded in Good of the Order.

### **3. Consent Agenda**

Consent agenda items are actions that Council is familiar with that are typically non-controversial. Review of purchases, renewed contracts, and approval of past minutes could be typical actions. These items can be approved all together in one motion (LOC pg 8 & 25). Unanimous vote of all members of Council present is required to approve items on the consent agenda. Any item on the consent agenda may be removed for separate consideration by any member of Council.

Reading of Minutes: Unless a reading of the minutes of a previous Council meeting is requested by a Council member, such minutes may be approved without reading if the City Administrator or his/her designee previously furnished each Council member with a copy.

### **4. Public Hearings (see Section 5.6)**

### **5. Old Business**

Items that are a follow-up from previous meetings.

## **6. New Business**

Action items, such as ordinances, contracts, resolutions, etc.

## **7. City Administrator's Report**

Occasionally, the City Administrator will provide City Council with an update of current operations, items impacting city operation, and items that may impact the community. The City Administrator shall in good faith provide the information to Council.

## **8. Mayor's / Council Reports and 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 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 Council as a whole but is not recommended unless the matter is time sensitive.

## **9. Good of the Order**

Future scheduling and attendance notifications or issues or matters of announcement from City Council members.

## **10. Correspondence**

Any written communication, via email or mail, from a citizen addressing Council can be read at this time. If by consensus Council wishes to address the Question raised, the Mayor will ask if they would like to add it to new business for the subsequent meeting.

## **11. Executive Session (see Section 5.5)**

## **12. Executive Session Outcome**

If there was an executive session, City Council returns to the public meeting from their executive session to communicate the outcome and/or motion to act, if there was one, of their executive session.

## **13. Adjournment**

The motion to adjourn the meeting can be called by any Council member or Mayor. Once seconded, the Question will be voted on. There is no debate and the majority will determine the outcome.

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

## **7.1 Definitions**

**Ordinance:** is a rule or law passed by a municipality to provide government of local matters under state or federal laws, typically applicable to public safety, zoning, animal control, and development.

**Resolution:** is a formal expression of Council (written and numbered) of a policy or statement that is the solution to a need of the city or its government.

**Motion:** is a request for action on an item, be it to discuss, call for a vote/decision, table, amend, etc. A motion is made by a Council member and then another Council member can second to put the action to vote.

## **7.2 Ordinances to be Confined to One Subject and Exceptions**

An ordinance shall not relate to more than one subject and the subject shall be clearly stated in its title. Exceptions may occur and are subject to Council approval.

## **7.3 Motions**

A Question is presented for decision by Council by means of a motion.. For this section, also refer to Appendix E, Council Motion Flow Chart, Appendix G, Parliamentary Motions Guide, and LOC, pg 23.

- A formal motion to amend a main 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 board.
- Motions are not made in the negative, e.g., "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 to modify a previous motion is called an amendment. Amendments are either hostile or friendly (negative or positive intent, respectively). An amendment is handled as any other motion. Once the amending motion has been made and seconded, it belongs to the group as a whole and is not dictated by the original amended motion maker. The presiding officer does not ask the original motion maker to approve or deny the amendment. For more information see: <https://jurassicparliament.com/friendly-amendment-in-roberts-rules-of-order/>
- 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 possible undesirable consequences.
- If a motion to "call the Question" (motion to vote immediately) is proposed. It does not require a second and is not debatable. The presiding officer will call for a vote on ending the debate first, the motion to call the Question. This motion is to end the debate. It's not a vote to approve the action before Council. 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.

## 8. VOTING

- A motion passes by majority vote. In the event of a tie vote, the vote is not a majority and therefore the motions fails. The vote on every motion shall be taken by voice vote or roll call and entered in the record. A roll call vote shall be taken upon the request of any Council member. 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 board participation. If a Council member has not voted either way, they can announce that they will abstain. In this event, it's customary to state your reason.
  - 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.
  - A Council member should not abstain because of 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, as follows.
    - **"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. (ORS 244.020, 1).



- **"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 (ORS 244.020, 1).
- **"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 Council regarding the merits of the case made outside of the public hearing process during the pendency of a proceeding. (Communication with city 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. (LOC pg 24-25)

## **9. CREATION OF COMMITTEES, BOARDS, AND COMMISSIONS**

Council will elect, by majority vote, at the first meeting of the new Council every biennium (odd year), the Council president, who presides in the Mayor's absence. For this section, reference Appendix B, City Charter, Sections 24 & 25.

### **9.1 Citizen Committees, Boards, and Commissions**

Council may create committees, boards, and commissions to assist in their roles as elected official under such duties as the Council, provided those duties are not inconsistent with the City Charter. Creation of committees, boards, and commissions is accomplished through clearly delegated resolutions.

### **9.2 Membership and Selection**

The Mayor shall appoint membership and selection of members, unless otherwise specified by the City Charter with consent of a majority. 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 Council. No committee, board, or commission shall have powers other than advisory to Council, except as otherwise specified by the City Charter or city ordinance. (Appendix B, City Charter).

### **9.3 Removal of Members of Boards and Commissions**

Council may remove a member of any board, commission, or committee which it has created, by majority vote of Council.

## **10. CITIZENS' RIGHTS:**

### **10.1 Addressing the Council**

Any person desiring to address the Council by oral communication can do so under the public comment section of the agenda, provided the City Council has provided for public comment. The City Council may limit the time and number of speakers pursuant to Council's rules.

### **10.2 Personal and Slanderous Remarks**

Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing 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). This can only be done when they prevent Council from addressing the city's business.

### **10.3 Reading of Protests**

Interested persons, or their authorized representatives, may address Council for the reading of protests, petitions, or communications relating to any matter over which Council has control, when the item is under consideration by 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.

### **10.4 Refer Citizens Complaints**

The Council or Mayor may refer citizen's complaints to the City Administrator unless the complaints are directed toward the City Administrator and the accusation violates state or local laws, in which case Council may elect a three council member panel to investigate and report back at an executive session of the City Council, as appropriate by Public Meetings Law (to investigate formal charges or illegal acts). After a Question has been called or after a public hearing has been closed, no public member shall address 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.

### **10.5 Written Communications**

Interested parties, or their authorized representative, may address the Council any time 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.

Mail addressed to the city or City Council will be distributed to all Council as it is received. Mail addressed to an individual councilmember will only be provided to that

individual and, if the content merits discussion at a future Council meeting, it shall be the responsibility of the councilmember to provide the document 48 hours in advance to the entire City Council or to the city administrator for distribution to the entire Council.

## **11. COURTESY NORMS AND PROTOCOL FOR CITY COUNCIL MEMBERS**

### **11.1 General Courtesy Norms**

- Be courteous and professional at all times.
- 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 as 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 the Council member feels like answers would require research.
- 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.
- If your motion 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.

### **11.2 Council Protocols**

- 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 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). Councilmembers should not attend quasi-judicial meetings of another committee as these hearings may come before Council at a future date.
- 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 City Administrator. The City Administrator decides whether the session is open or closed to the public. The City 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, and offer performance feedback and 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. (LOC pg 28)

### **11.3 Council Discussion**

- When any councilor is about to speak in debate or deliver any matter to Council, the councilor shall respectfully address the presiding officer 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 are open to the ideas and testimony of citizens and suspend judgment until review of all information and testimony is complete.
- When an action is deferred, 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.
- 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.

### **11.4 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 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 refer to City Council on how to proceed. Council can investigate the matter or contract with a third party to investigate. It is City 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 and recommending sanction(s).
- A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a Council decision.

### **11.5 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 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 (LOC pg 30).
- A councilor who desires major policy or ordinance research from the city staff should obtain approval from Council as a whole or the City Administrator 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 (LOC pg 30).
  - Treat all staff as a professional with clear, honest communication that respects the abilities, experience, and dignity of each individual. Poor behavior towards staff is unacceptable.
  - 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 which staff contact is appropriate, Council members should ask the City Administrator for direction. Materials supplied to 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 (LOC pg 30).
  - 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 acting. 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 (also see Section 12 of this document).
  - 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 who 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.

## **12. 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. At the first meeting of each odd-numbered year, Council shall affirm the Mayor as PIO or elect a Public Information Officer (PIO) from its membership (Resolution No. 11-19) as provided in its rules. Media contacts regarding city issues should be directed to the PIO. 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.

### **12.1 Communication Guidelines**

- Always defer to the City Administrator or PIO 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 PIO for official comment (LOC pg 29).
- Do not offer an opinion unless it is an expressed position of the City Council.
- Make sure you are accurately representing the majority position.
- It's okay to refer members of the public to city staff.
- Do not try to resolve issues when dealing with members of the public. Bring those issues to staff or Council 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.

## **12.2 Social Media Guidelines**

Social media can be a tool for local governments to communicate with its citizens outside of regularly scheduled Council meetings. The City of Aumsville's social media and website are managed by the City Administrator for events, moderating, and other notices. But, often engagement with the community extends beyond that. That is where the PIO's role lies.

### **Personal Social Media Accounts**

Social media is a double-edged sword. Postings often contain incorrect information. The PIO's role is to direct 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 to offer resources that contain factual information.

Due to the Public Information Act, social media falls under public information if connected with or related to official business. As a member of Council, personal accounts have more freedom than the City's social media. However, there are risks regarding how personal social media is used as an elected official. Once an elected official's social media is opened for political discussion, it is transformed into a public forum for speech and debate under the First Amendment.

Here are some guidelines for personal social media accounts for elected officials:

- Remove elected titles from personal profiles, and clearly offer direction for correspondence relating to city/public matters. Best practice is to do this by a statement in the profile, such as:

This account is intended for personal use only. The views, postings, positions, or opinions expressed on this site are my own and do not represent the City of Aumsville. If you are a citizen of Aumsville and would like to discuss city business, please go to [www.aumsville.us](http://www.aumsville.us) or contact City Hall at 503-749-2030.

- Avoid posting or commenting related to your official duties, governmental bodies, or city business.
- Avoid commenting on local issues where other Council members are also participating in discussion.
- Do not post and/or comment on behalf of the City and/or the City Council. This is the responsibility of the PIO and/or the City Administrator.
- Hide, rather than delete, clearly inappropriate public comments on your personal or official social media account, if possible. In some cases, these comments may still be subject to verification or public disclosure in the future. When in doubt, don't delete it.

- Avoid responding to personal attacks or inappropriate comments on social media and direct them to an appropriate method of communication (i.e., email, city hall).

Also, consider the following:

- The city does not archive or manage Council members' social media accounts. You are solely responsible for the retention and archival of content published to your individual accounts.



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

Print Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_