

# Council Rules of Procedures

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MARCH 2020

**Rules of Procedure**  
**City Council of Oakridge, Oregon**  
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## CHAPTER 1 – General Governance

### I. Rules of Procedure.

- A. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, and any subcommittee of the city council, shall be governed by Robert’s Rules of Order Newly Revised.<sup>1</sup>
- B. Members of the council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert’s Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- C. Whenever these rules and Robert’s Rules of Order conflict, these rules shall govern.

### II. Quorum. A quorum is required to conduct official city business.

- A. The members of the council are the six (6) city councilors and mayor.<sup>2</sup> Four members of the council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- B. In the event a quorum is not present, the members of the council who are present may:
  - 1. Adjourn the meeting.
  - 2. In accordance with Section 14 of the city charter and an ordinance adopted thereunder, compel the attendance of absent members.<sup>3</sup> No official action, other than compelling the attendance of absent members, may occur until a quorum has been established.

### III. Presiding Officer.

- A. The mayor shall be chairperson of the council and preside over its deliberations. The mayor shall have authority to:
  - 1. Preserve order;
  - 2. Enforce these Rules of Procedure; and
  - 3. Determine the order of business under these Rules of Procedure.<sup>4</sup>

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<sup>1</sup> Oakridge Municipal Code §30.06.

<sup>2</sup> Oakridge City Charter, Section 7.

<sup>3</sup> Oakridge City Charter, Section 14.

<sup>4</sup> Oakridge City Charter, Section 16.

- B. In the mayor's absence the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>5</sup>
- C. If both the mayor and the president of the council are absent from the meeting, the most senior, in continuous service, council member shall open the meeting, accept nominations for a temporary presiding officer and conduct a vote. The member elected as temporary presiding officer shall thereafter preside at that meeting until the arrival of the mayor or council president.

#### **IV. Appointed Officers.**

- A. City Recorder. The city recorder shall serve ex officio as clerk of the council. In this role, the city recorder is responsible for the following:
  - 1. The city recorder shall keep the official minutes of the council;
  - 2. Sign orders on the treasury.<sup>6</sup>
- B. City Administrator. The city administrator is required to attend all meetings of the council unless excused by the council or the mayor.<sup>7</sup>
  - 1. The administrator may sit with the council but may not vote on questions before it.<sup>8</sup>
  - 2. The administrator may take part in all council discussions.<sup>9</sup>
  - 3. The administrator shall be the parliamentarian and shall advise the presiding officer on any questions of order. The administrator has the authority to delegate the duties of parliamentarian to any city staff person.
- C. City Attorney. The city attorney may attend any meeting of the council, upon request, give an opinion, either written or oral, on legal questions.
- D. Municipal Judge. If the council, pursuant to Section 20 of the Oakridge Charter, creates the office of municipal judge, the council shall appoint a municipal judge.
  - 1. The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.<sup>10</sup>
    - a. Individual appointments shall be approved by council.<sup>11</sup>

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<sup>5</sup> Oakridge City Charter, Section 17.

<sup>6</sup> Oakridge City Charter, Section 22.

<sup>7</sup> Oakridge City Charter, Section 21.(6)(a).

<sup>8</sup> Oakridge City Charter, Section 21.(8).

<sup>9</sup> Ibid.

<sup>10</sup> Oakridge City Charter Section 20.(6).

<sup>11</sup> Will require a change to City Charter.

2. The council may transfer some or all the functions of the municipal court to an appropriate state court.<sup>12</sup>

- V. Agendas.** The city administrator shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.
- A. The city administrator shall take reasonable steps to ensure the agendas and informational material for council meetings are distributed to the council at least seven (7) days preceding the meeting. Unless exceptional circumstances arise, in no instance shall the city administrator fail to provide the city council with the agendas and informational materials needed for council meetings at least three (3) days before the council meeting.
  - B. The city administrator may place routine items and items referred by staff on the agenda without council approval or action.
  - C. No item shall be placed on the agenda unless it is ready for Council action and/or consideration.
  - D. At each regular meeting of the Council, the Mayor and each Council member may bring up items not on the agenda.<sup>13</sup>
  - E. The city administrator may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under announcements/proclamations.
  - F. A member of the council who wishes to have an item placed on the agenda should advise the city administrator at least ten (10) days prior to the meeting.
- VI. Order of Business.** The order of business for all regular meetings shall generally be as follows, however, the city administrator has the right to prepare the agenda with a different order of business; the mayor may adjust the order of business at his or her discretion:
- Call to order.
  - Pledge of Allegiance.
  - Roll Call.
  - Additions, Corrections or Adjustments to the Agenda.

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<sup>12</sup> Oakridge City Charter, Section 20.(7).

<sup>13</sup> Oakridge City Code § 30.04.

- Public Comment.
- Mayor's Comments/Announcements/Proclamations.
- Council's Comments.
- Consent Agenda.
- Business from the City Council.
- Business from the City Administration.
- Reports of Boards, Commissions, and Committees.
- Items Removed from the Consent Agenda.
- Ordinances and Resolutions.
- Public Hearings.
- Appointments.
- Other Business.
- Public Comment.
- Adjournment.

A. Call to Order. The presiding officer shall call all meetings of the council to order. The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes.

B. Pledge of Allegiance. After the meeting is called to order, the pledge of allegiance is recited.

C. Roll Call. The city recorder shall conduct a roll call to determine which members of the council are present and which are absent.

1. The attendance shall be properly reflected in the minutes.

2. If roll call determines that a quorum is not present, the procedures outlined in Section II(B) of these Rules of Procedure shall be followed.

D. Additions, Corrections or Adjustments to the Agenda. The mayor and the city administrator are permitted to make additions, corrections or adjustments to the agenda. Before making additions, corrections or adjustments to the agenda, the Mayor should first inquire of the council if any of its members have suggested additions, corrections or adjustments to also be considered.

E. Public Comment

1. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time.
2. Persons wishing to speak during public comment must sign the “speaker’s roster” with the person’s name and address not later than the call to order.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker’s roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address. The presiding officer may allow additional persons to speak if they have not signed the speaker’s roster and sufficient time is left in the 30- minute period.
5. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard. The council also reserve the right, upon a majority vote, to extend the public comment period in thirty-minute increments to allow all interested persons an opportunity to speak.
6. If the city has the appropriate infrastructure, speakers may play electronic audio or visual material during the time permitted for their comment.
7. The council will not engage in any discussion or make any decisions during public comment. The council may take comments under advisement during council comments for discussion and action at a future council meeting.
8. The mayor may direct the city administrator to follow up on any comments received.

9. In addition to the two identified times for public comment on the agenda, as described above, the council shall provide public comment for each ordinance or resolution being considered – the public comment shall be provided prior to the council taking any action on the ordinance or resolution.
- F. Mayor’s Comments/Announcements/Proclamations. The mayor’s comments are intended to provide the mayor with an opportunity to briefly provide the council and the community with comments on items not on the agenda. Announcements are intended to be procedural in nature. Proclamations are awards or recognition of individuals by the council.
- G. Council’s Comments. The council’s comments are intended to provide individual councilors with an opportunity to briefly provide the council and the community with their comments on items not on the agenda.
- H. Consent Agenda. In order to expedite the council’s business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
  2. Any item on the consent agenda may be removed for separate consideration by any member of the council.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.
- I. Business from the City Council. This portion of the agenda is reserved for business matters requested by or undertaken by the city council.
- J. Business from the City Administrator. This portion of the agenda is reserved for business matters requested by or undertaken by the city administrator.
- K. Reports of Boards, Commissions, Committees, Elected Officials and City Employees. When necessary, reports can be given to the council by boards, commissions, committees, elected officials and/or city employees.
1. When appropriate, reports to the council should include written materials which are provided to the council at least three days in advance of the meeting.
  2. Oral reports to the council should generally not exceed 10 minutes in length.



3. The council may ask questions of the presenter upon conclusion of the report being given.
- L. Items Removed from the Consent Agenda. Items removed from the consent agenda will be discussed herein, the items shall be discussed in the order in which they were removed from the consent agenda.
- M. Ordinances and Resolutions – See Chapter 3
- N. Public Hearings Generally
1. A public hearing 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.
  2. Persons wishing to speak shall sign the “hearing roster” with the person’s name and address prior to the commencement of the public hearing at which the person wishes to speak.
  3. The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
  4. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address. All remarks shall be addressed to the council as a body and not to any member thereof.
  5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
    - a. Staff presentation (15 minutes total).
    - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
    - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
    - d. Other interested persons (3 minutes per person).
    - e. Questions of staff (No time limit).
    - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).

6. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.
8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the city recorder to note the numbers in the minutes.
9. At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.
10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.
11. Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person

who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.455(1).

O. Conduct of Hearings on Land Use Matters – See Chapter 4

P. Written Communications to Council.

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

## CHAPTER 2 – Meeting Time, Location and Frequency

- I. **Regular meetings.** The council shall meet on the first and third Thursday of each month, with the exception of designated holidays and/or council recesses.
  - A. Meetings shall begin at 7:00 p.m.<sup>14</sup>
  - B. Meetings shall adjourn at 9:00 p.m., allowing 30-minute increment extensions upon a majority vote of the council.
  - C. A change of any one regular meeting date may be made by motion duly passed at a regular meeting.<sup>15</sup>
  
- II. **Special meetings.** Special meetings may be called by the mayor or three councilors directing the city administrator to schedule such a meeting in accordance with the State’s Public Meetings Law.
  - A. Notice of the special meeting shall be given to each member of the council, the city administrator, and each recognized representative of the news media which has on file a written request for notice of special meetings.
  - B. Notice of the special meeting shall be given to all members of the council and the city administrator via telephone and email.
  - C. 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.
  
- III. **Emergency meetings.** Emergency meetings may be called by the mayor or three councilors directing the city administrator to schedule such a meeting in accordance with the State’s Public Meetings Law.
  - A. Notice of the emergency meeting shall be given to each member of the council, the city administrator, and each recognized representative of the news media which has on file a written request for notice of special and/or emergency meetings.
  - B. Notice of the emergency meeting shall be given to all members of council and the city administrator via telephone and email.
  - C. 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.

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<sup>14</sup> Oakridge City Code § 30.01.

<sup>15</sup> Ibid.

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

**IV. Executive Sessions.** Executive sessions may be called by the mayor or three councilors directing the city administrator to schedule such a meeting in accordance with the State's Public Meetings Law.

A. Only members of the council, the city administrator, and persons specifically invited by the city administrator, city attorney or the council shall be allowed to attend executive sessions.

B. Representatives of recognized news media may attend executive sessions in accordance with the following rules and procedures.

1. Pursuant to ORS 192.660(4), representatives of the news media shall be allowed to attend executive sessions other than those held pursuant to ORS 192.660(2)(d) (labor negotiations) or ORS 192.660(2)(h) (litigation – when the member of the news media is a party to the litigation or is an employee, agent, or contractor of a news media organization that is a party to the litigation).

2. The City Council of Oakridge is tasked with the responsibility of determining who is a representative of the news media for purposes of attending an executive session meeting.

a. Any interested applicant must complete the Application for Recognition as a Representative of News Media form and submit it and any supporting documents to the Oakridge Recorder. Only applications submitted on the prescribed form will be considered.

b. Upon receipt of a completed application and any supporting information, consideration of the application will be placed on the agenda for the city council's next regularly scheduled public session meeting.

c. When a complete application for recognition as news media is pending, the city council will delay any scheduled executive session meeting until a decision on the application is made by the city council.

d. For guidance as to the type of evidence that would be helpful to the city council's determination, applicants are encouraged to review the April 18, 2016 Oregon Attorney General Opinion, a copy of which is attached to the Application for Recognition as a Representative of News Media.

**V. Work Sessions.** Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings.

- A. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
  - B. Work sessions are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session.
  - C. Work sessions are to be scheduled by the city administrator.
  - D. The city administrator is to invite any relevant staff to work sessions so that the sessions are as productive as possible.
- VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the city, the regular meeting for that week shall either be cancelled or continued to a different date at the Council’s discretion.
- VII. Location.** Council meetings shall be held at the Willamette Activity Center.
- A. In the event the Willamette Activity Center is not available for a meeting, the council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.
  - B. Training sessions may be held outside of the city’s jurisdictional limits, provided no deliberations toward a decision are made.
  - C. Interjurisdictional meetings may be held outside of the city’s jurisdictional limits; but, should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
  - D. No council meeting shall be held at any place where discrimination on the basis of an individuals’ race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.
- VIII. Notice.** The city recorder shall provide notice of all meetings in accordance with Oregon’s public meeting law.
- IX. Attendance.** Members of the council shall advise the city administrator if they will be unable to attend any meetings. Under the charter, a vacancy is created when the mayor or a councilor is absent from the city for thirty (30) days or upon the person’s absence from council meetings for sixty (60) days without the consent of the council and upon a declaration by the council of the vacancy.<sup>16</sup>

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<sup>16</sup> Oakridge City Charter, Section 27.

## CHAPTER 3 – Ordinances and Resolutions

- I. Ordinances.** All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein.
- A. Numbering. The city recorder shall number all ordinances with a consecutive identification.
- B. Preparation and Introduction.
1. All ordinances shall, before presentation to the council, shall be approved by the city attorney, or the attorney's designee. Emergency ordinances will be reviewed circumstances permitting.
  2. Ordinances shall be introduced by the city administrator. Except that, upon the request of the council, an ordinance may be introduced by the city attorney.
  3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
- C. Calendar of Ordinance.
1. Except as provided otherwise in this Section, an ordinance shall be fully and distinctly read in an open council meeting on two different days before it may be enacted by the Council.
  2. The council may enact an ordinance at a single meeting by unanimous vote of all councilors present, provided the ordinance is read first in full and then by title.
  3. A reading of an ordinance may be by title only if:
    - B. No councilor present at the reading requests that the ordinance be read in full; or
    - C. At least one week before the reading a copy of the ordinance is provided to each council member, three copies of the ordinance are available for public inspection in the office of the recorder and notice of ordinance's availability is given by written notice posted at the city hall and two other public places in the city.
  4. An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed before the reading unless each section so

differing is read fully and distinctly in the open council meeting before the council adopts the ordinance.<sup>17</sup>

5. When the calendar of second reading or an ordinance which is to be considered separately is placed before the council for final passage, the city recorder, unless a written ballot vote is requested by the mayor or a council member, shall call each council member's name at random and record the council member's vote in the minutes of the meeting. When a written ballot vote is requested, the city recorder shall read into the record each council member's name and vote.
6. An abstention from voting shall not count as a vote for or against the motion, nor affect the power of the council to act for lack of a quorum.
7. An affirmative vote of four (4) council members shall be necessary to pass an ordinance.
8. When an ordinance is rejected by the council, and is not reconsidered as provided by these rules, neither the ordinance, nor any other ordinance which contains substantially the same provisions, shall be considered by the council for a period of not less than six months, unless at least four (4) members of the council petition for early consideration.
9. All adopted ordinances shall be signed by the mayor and endorsed by the city recorder. The date of enactment shall be included on every adopted ordinance.
10. A non-emergency ordinance takes effect on the thirtieth (30<sup>th</sup>) day after its enactment or on a later day the ordinance prescribes. An ordinance enacted to meet an emergency may take effect as soon as enacted or upon a date specified in the ordinance which is less than thirty (30) days.<sup>18</sup>
11. The filing of a referendum petition shall suspend the effective date of an ordinance.

**II. Resolutions.** All resolutions considered by and voted upon by the council shall adhere to the rules outlined herein.

- A. Numbering. The city recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the year in which the resolution was introduced.

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<sup>17</sup> Oakridge City Charter, Section 30.

<sup>18</sup> Ibid.



B. Preparation and Introduction.

1. Before a resolution is presented to council, the city administrator shall review the resolution, and if necessary in his or her determination, submit the resolution to the city attorney for additional review.
1. Resolutions shall be introduced by a member of the council. Except that, upon the request of the council, a resolution may be introduced by the city administrator or the city attorney, with a member of the council moving further action on such resolution upon completion of the introduction.

C. Calendar of Resolution.

1. A resolution is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
  - a. A public hearing on the resolution be held;
  - b. Pass the resolution to a second reading;
  - c. Reject the resolution in whole or in part; or
  - d. Adopt the resolution in whole or in part.
2. All resolutions when introduced for first reading shall be identified by title and number on a calendar of first reading.
3. When a resolution which is to be considered is placed before the council for final passage, the city recorder, unless a written ballot vote is requested by the mayor or a council member, shall call each council member's name at random and record the council member's vote in the minutes of the meeting. When a written ballot vote is requested, the city recorder shall read into the record each council member's name and vote.
4. A second reading of a resolution is permitted to occur at the meeting where it is introduced, and a resolution may be passed at a single meeting by a unanimous vote for passage by all members of the council present.
5. An affirmative vote of four (4) council members shall be necessary to pass an ordinance.
6. When a resolution is rejected by the council, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the council for a period of not less than three months, unless at least four (4) members of the council petition for early consideration.

7. All adopted resolutions shall be signed by the mayor and endorsed by the city recorder. The date of enactment shall be included on every adopted resolution.
8. A non-emergency resolution takes effect on the thirtieth (30<sup>th</sup>) day after its enactment or on a later day the resolution prescribes. A resolution enacted to meet an emergency may take effect as soon as enacted or upon a date specified in the resolution which is less than thirty (30) days.

## CHAPTER 4 – Land Use Hearings

### I. General Conduct of Hearings.

- A. Any party may speak in person or through an attorney to present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city administrator, planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

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

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
  - 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
  - 2. A member of the council who has a potential conflict of interest as defined by the Oregon Revised Statutes or the city charter shall disclose the conflict but is permitted to participate in the discussion and vote on the matter.

3. 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.
- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
  2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The city recorder shall read the land use hearing disclose statement, which shall include:
    - a. A list of the applicable criteria;
    - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulations which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
    - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
  2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.

3. Call for Potential Conflicts of Interest. The presiding officer shall inquire whether any member of the council has a potential conflict of interest. Any member of the council with a potential conflict of interest must publicly disclose the conflict but is still permitted to participate in the discussion and vote.
4. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
5. Staff summary. City staff, or their representative, shall present a summary and recommendation concerning the proposal.
6. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
7. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
8. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
9. Findings and Order. The council may approve or reject the proposal.
  - a. The council shall adopt findings to support its decision.
  - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.

- c. An affirmative vote of four (4) council members shall be necessary to take any official action.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **III. Legislative Land Use Matters.**

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
  2. Staff summary. Staff, or its representative, shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  3. Presentation of the Case.
    - a. Proponent's case. Twenty minutes total.
    - b. Persons in favor. Five minutes per person.
    - c. Persons opposed. Five minutes per person.
    - d. Other interested persons. Five minutes per person.
  4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
  5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
  6. Reopening hearing. Prior to the second reading of an ordinance relating to a legislative land use matter, and upon a majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## CHAPTER 5 – Motions, Debate and Voting

- I. Motions.** All motions shall be distinctly worded.
- A. The following rules shall apply to motions:
1. If a motion does not receive a second, it dies.
  2. The council will discuss a motion only after the motion has been moved and seconded.
  3. Any motion shall be reduced to writing if requested by a member of the council.
  4. A motion to amend can be made to a motion that is on the floor and has been seconded.
  5. A motion may be withdrawn by the mover at any time without the consent of the council.
  6. Amendments are voted on first, then the main motion if voted on as amended.
  7. A member of the council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
  8. A call for the question is intended to close the debate on the main motion; such a motion does not require a second and is not debatable.
    - a. A call for the question fails without a majority vote.
    - b. Debate on the main subject resumes if the motion fails.
  9. A motion that receives a tie vote fails.
  10. The presiding officer, except for motions to accept the consent calendar, shall repeat the motion prior to a vote.
  11. A motion to adjourn cannot be amended.
- B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
1. No motion to reconsider shall be made more than once.
  2. The motion to reconsider shall be made before the final adjournment of the meeting in which the action was considered.

C. Motions Generally. The following information is intended to guide the council.

<b>To Do This</b>	<b>You Say This</b>	<b>May You Interrupt Speaker</b>	<b>Must You Be Seconded</b>	<b>Is the Motion Debatable</b>	<b>What Vote is Required</b>
*Adjourn the meeting	“I move that we adjourn”	No	Yes	No	Majority
Recess the meeting	“I move that we recess until ...”	No	Yes	No	Majority
*Complain about noise, room temp., etc.	“Point of privilege”	Yes	No	No	No vote
*Suspend further consideration of something	“I move we table this matter”	No	Yes	No	Majority
End debate	“I move the previous question”	No	Yes	No	2/3 Vote
Postpone consideration of something	“I move we postpone this matter until”	No	Yes	No	Majority
Have something studied further	“I move we refer this to ...”	No	Yes	Yes	Majority
Amend a motion	“I move to amend this motion”	No	Yes	Yes	Majority
Introduce business (a primary motion)	“I move that ...”	No	Yes	Yes	Majority
*Object to procedure or to personal affront	“Point of order”	Yes	No	No	No vote, Chair decides
*Request information	“Point of information”	Yes	No	No	No vote
*ask for a vote count to verify a voice vote	“I call for a division of the house”	No	No	No	No vote
*Object to considering some matter	“I object to consideration of this”	Yes	No	No	2/3 vote
*Take up a matter previously tabled	“I move to take from the table...”	No	Yes	No	Majority
*Reconsider something already disposed of	“I move we reconsider action on...”	Yes	Yes	Yes	Majority



*Consider something not in scheduled order	“I move we suspend the rules and ...”	No	Yes	No	2/3 vote
*Vote on a ruling by the presiding officer	“I appeal the presiding officer’s decision”	Yes	Yes	Yes	Majority

\* = NOT AMENDABLE

**II. Debate.** The following rules shall govern the debate of any item being discussed by the council.

- A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him or herself to the question under debate, at all times acting and speaking in a respectful manner.
- B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
- C. The member of the council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.

**III. Voting.** The following rules shall apply to voting on matters before the council, unless amended in the manner outlined in Chapter 4 of these Rules.

- A. Reports. The affirmative vote of four (4) council members shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
- B. Consent Agenda. The unanimous vote of all members of the council present is required to approve the matters on a consent agenda.
- C. Resolutions. The affirmative vote of four (4) council members shall be required to pass a resolution.
- D. Ordinances. The affirmative vote of four (4) council members shall be required to pass all ordinances which are not emergency ordinances.
- E. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- F. Budget. The affirmative vote of four (4) council members shall be required to adopt the city’s budget.
- G. Franchise. The affirmative vote of four (4) council members shall be required to approve a franchise agreement.

- H. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter or municipal code shall not be suspended or rescinded.
  
- I. All votes shall be recorded in the minutes. The recorder shall identify the vote of each councilor and the mayor, on all actions taken during a council meeting, in the city's minutes.

## CHAPTER 6 – Minutes

### I. Generally.

- A. All minutes of regular, special or emergency meetings shall be in written form, with an electronic copy of the meeting maintained by the city recorder in accordance with the appropriate record retention schedule. All minutes of executive sessions shall be in electronic format and be maintained by the city recorder in accordance with the appropriate record retention schedule.
- B. The minutes shall contain the following information:
  - 1. The date, time and place of the meeting;
  - 2. The council members and staff present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The results of all votes and the vote of each member by name;
  - 5. The substance of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting.

### II. Approval. The council shall approve all minutes of any meeting.

- A. All minutes shall be approved within sixty days of the meeting having occurred. Audio and video recordings shall be posted to the city website within five business days of the meeting having occurred.
- B. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed.
- C. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – Appointments

- I. Appointments of City Staff.** The mayor, with council approval, appoints and can remove those positions identified in the city’s charter. All appointments require a four (4) affirmative votes.
- A. Reviews. Any person appointed by the mayor, with council approval, shall be subject to an annual review by the council.
  - B. Removals. All appointed persons may be removed by the mayor, with four affirmative votes from the council.
  - C. Interference. If the mayor, with council approval, appoints a municipal judge, the mayor and council may meet with the judge, but in no instance shall the mayor or council be permitted to interfere with the judge’s exercise of judicial authority or discretion.
- II. Appointments of Members to Boards, Commissions and/or Committees.**
- A. Unless otherwise mandated by state law, the mayor, subject to approval by the council, shall appoint the members of any board, commission or committee authorized by the council.
  - B. Unless otherwise prohibited by the council, the mayor, subject to approval by the council, shall have the authority to create and appoint subcommittees of committees authorized by the council.
  - C. Unless authorized by the council, no member of council may occupy a board or committee seat designated for a citizen.
  - D. Unless authorized by the council, no staff member may occupy a board, commission or committee seat designated for a citizen.
  - E. Removals. All appointed persons may be removed by the mayor, subject to approval by the council.

## CHAPTER 8 – Ethics, Decorum, Outside Statements

- I. **Ethics.** All members of the council shall review and observe the requirements of state ethics laws. In addition to complying with state ethics laws, all members of the council shall refrain from:
  - A. Disclosing confidential information.
  - B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  - C. Expressing an opinion contrary to the official position of the council without so saying.
  - D. Conducting themselves in a manner so as to bring discredit upon the government of the city.
  - E. Sign and adhere to the personal Code of Conduct of the City of Oakridge.
- II. **Decorum.**
  - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
  - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
  - C. 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.
- III. **Statements to the Media and Other Organizations**
  - A. Representing City. If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
  - B. Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

## CHAPTER 9 – Interactions with Staff & City Attorney

- I. **Staff.** All members of the council shall respect the separation between the council’s role and the city’s administrator’s responsibility by:
  - A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city administrator.
  - B. Refraining from actions that would undermine the authority of the city administrator or a department head.
  - C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex nature shall be directed to the city administrator. In no instance is a council member authorized to give a directive to a staff member.
- II. **City Attorney.** Council members who believe advice from the city attorney is needed should work with the city administrator to identify their concern, reduce the concern to a question and the city administrator will work with the city attorney to resolve the inquiry or concern. This does not prevent council from seeking advice from the city attorney.

## CHAPTER 10 –Removal & Censure

- I. The council may enforce these rules and ensure compliance with city ordinances, the charter and state laws applicable to governing bodies. If a member of council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a public reprimand or removal as provided for in the city charter.
  
- II. **Censure.** Any council member who violates any general law or regulation, and any rule, law, ordinance or resolution of the City of Oakridge may be reprimanded through the administration of a public censure of the member by the council. Such censure may be in addition to any other lawful action or punishment applicable to the violation. For purposes of this section, “censure” shall mean the adoption of a resolution setting forth a formal statement of disapproval of a councilmember’s conduct.
  - A. Notice and Opportunity to Cure. A council member may not be made the subject of a motion for censure without first being given notice of the alleged violation and an opportunity to correct the violation, if it can reasonably be corrected.
  
  - B. Initiation of Proceedings. Upon a continued violation or failure to correct, the charged councilmember shall be given notice and an opportunity to be heard as follows:
    1. Only a sitting council member may initiate proceedings for the censure of one of its members.
  
    2. Proceedings shall be commenced by the presentation of a written statement of charges to the subject councilmember with a copy delivered concurrently to the City Administrator by the member initiating the charge.
      - a. Initiation shall not require the prior approval of the council.
  
      - b. The statement of charges shall be given at least ten (10) days prior to the meeting at which the censure motion is proposed to be brought.
  
      - c. The notice shall contain, at a minimum, the designation of the specific rule, law, regulation, etc., which the member is claimed to have violated and a statement of the date, place and time at which such violation occurred. The statement shall further contain a description of the conduct of the member which is alleged to constitute the violation.
  
      - d. A copy of the statement of charges shall be delivered to all other councilmembers.

3. Within seven (7) days after delivering of the statement of charges, the charged councilmember should deliver a written response to the city administrator, which the city administrator will make publicly available. The charged councilmember retains the right to choose to defer releasing their response until the hearing.
- C. Hearing. The motion for censure shall be placed on the agenda and considered at the first regular meeting occurring at least ten (10) days following delivery of the statement of charges to the charged councilmember and city administrator.
1. The hearing shall be conducted in an open session by the Mayor unless the Mayor is the party to the action, in which case the Council President or some other member shall conduct the proceedings.
  2. The hearing shall generally proceed by a reading of the charges by the initiating councilmember. The charging councilmember may present witnesses; the charged councilmember may answer in rebuttal; members of the public may speak in favor or opposition to the charge; and the remaining councilmembers may speak to the charges in that order.
  3. Passage of the motion for censure shall require four affirmative votes of the council.
- D. Failure to Censure. If the motion for censure does not pass, the proceedings shall be concluded. A new motion for censure on the same grounds of violation may not thereafter be commenced against the same councilmember for a period of one (1) calendar year from the date of the vote. However, new proceedings may be commenced on the same charges within the one (1) year period on the affirmative or unanimous vote of the non-charged councilmembers.
- E. Sanctions. If the motion for censure does pass, such motion shall be reduced to a resolution that explains the charges, summarizes the testimony of the hearing, and delivers the opinion of the council. The resolution shall become a part of the public record, a copy of which shall be made available upon demand to any member of the public.

**III. Removal.** Section 27 of the city charter allows the city council to remove one of its members from the council under certain conditions.

- i. Reasons for Removal. Upon any of the below occurrences, the council may remove a councilmember from office:
  1. The member has died;
  2. The member has become incapacitated;



3. The member has been convicted of an offense that has the statutory penalty of a year or more of incarceration;
  4. The member has established his or her residency outside of the city's limits;
  5. The member fails to possess the qualifications necessary to hold office as those qualifications are outlined in the city's charter; and/or
  6. The member upon being elected to his or her position fails to meet the qualifications for the office, as outlined in the city's charter, within three days after the time for his or her term of office to commence.
- ii. Vote for Removal. The council may not vote to remove a member unless it has first consulted with its city attorney, and only then may the member be removed from council upon a unanimous vote of the council.

**IV.** The council may investigate the actions of any member of council and meet in executive session, upon advise of the city attorney, under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

## CHAPTER 11 – Amendment and Repeal

- I. **Amendment.** These rules of procedure are subject to amendment by the council in accordance with the processes noted herein.
  - A. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
  - B. All amendments to these rules require an affirmative vote of four (4) council members.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
  
- II. **Repeal.** These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
  - A. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
  - B. Any repeal and replacement of these rules requires an affirmative vote of four (4) council members.
  - C. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.