



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: June 26, 2017

SUBJECT: Work Session for June 26, 2017

6:30 p.m. (20 min) – Communications & Community Engagement Update. Staff will brief the Council on current information relating to our community engagement and communications efforts and programs.

6:50 p.m. (10 min) – Council Meeting Agenda Review, Communications & Roundtable. Council will review the agendas for the June 26th City Council meeting and brief the Council on issues of mutual interest.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tanya Williams, Assistant to the City Manager

DATE: 06/26/2017

SUBJECT: Update on Tualatin's Communication & Community Engagement Programs

ISSUE BEFORE THE COUNCIL:

Staff will brief the Council on current information relating to our community engagement and communications programs.

Attachments:



STAFF REPORT

CITY OF TUALATIN

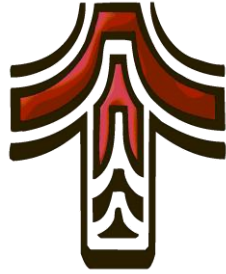
City Council Work Session

Meeting Date: 06/26/2017

Subject:

Through: Sherilyn Lombos, Administration

Draft City Council Rules



CITY OF TUALATIN COUNCIL RULES

Adopted _____

Table of Contents

RULE 1 - General Governance.....	1
RULE 2 – Meeting Time, Location, and Frequency	7
RULE 3 – Ordinances and Resolutions	10
RULE 4 – Land Use Hearings	13
RULE 5 – Motions, Debate, Public Comment and Voting	17
RULE 6 - Minutes	20
RULE 7 - Appointments.....	21
RULE 8 – Ethics, Decorum, Outside Statements, and Social Media.....	23
RULE 9 – Interactions with City Staff & City Attorney	25
RULE 10 – Enforcement and Consequences.....	26
RULE 11 – Amendment and Repeal of Council Rules.....	27
RULE 12 – Finances and Travel Policy	28

RULE 1

General Governance

A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules for the governance of its members and proceedings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11th Edition.
2. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert's Rules of Order conflict, these rules govern.

B. Council. The members of Council are the Mayor and the Councilors. There are six Councilor positions:

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.¹
2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

D. Presiding Officer.

1. The Mayor is the Presiding Officer and presides over all meetings.
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the

¹ Charter Chapter IV, ("Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance."). See, Rule 1(D)(3) of these rules.

Presiding Officer and presides over the meeting.

3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure must be utilized to determine the Presiding Officer for the meeting:²
 - a. The City Recorder, or designee, must call the Council to order and call the roll of the members of Council.
 - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the incumbent members on the Council to become the Presiding Officer for the meeting.³
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

E. Other Officers.

1. **City Recorder, or designee.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.
3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

F. Agendas.

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.

² Charter Section 33 authorizes the Council to fill temporary vacancies by majority vote of the “incumbent members.”

³ The term “incumbent members” in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 “incumbent members” of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 “incumbent members.” The term “incumbent members” does not mean a majority of those Councilors actually attending the meeting.

4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager 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 must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
7. As a principle matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

G. Order of Business.

1. The order of business for all regular meetings will be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:⁴
 - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
 - b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
 - c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
 - d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
 - e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
 - f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
 - g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
 - h. **General Business.** Consideration of ordinances, resolutions, contracts, policy

⁴ Section 17 of the Charter provides the Mayor the authority to “determine the order of business under the rules of the Council.”

statements, and other items. General Business items may also include public hearings on those matters.

- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.

- 1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
- 2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
- 3. Oral reports to the Council should generally not exceed five (5) minutes in length.
- 4. The Council may ask questions of the presenter upon conclusion of the report being given.

I. Public Comment.

- 1. One (1) period for public comment will be reserved for every regular meeting of the Council.
- 2. Persons wishing to speak during public comment must sign the "Speaker Request Form" and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
- 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 must wait until that public hearing portion of the meeting. Public comment must 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 (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
- 5. Generally, speakers will be called upon in the order in which they have signed the "Speaker Request Form." Before providing any public comment, speakers must announce the person's name and place of residence to the Council. The Presiding Officer may allow additional persons to speak even if the speaker has not signed the "Speaker Request Form."

6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

J. Consent Agenda.

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed and the reason for removal.
4. 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.
5. Appointments to committees must not be placed on the consent agenda.

K. Ordinances and Resolutions – See RULE 3

L. 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 must sign the "Speaker Request Form" with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must 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 (3) minutes.

6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council 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. Members of Council must use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council 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 must announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
 - a. Initiate deliberations by introducing a motion on the matter;
 - b. Continue the hearing; or
 - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
12. 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, unless exempt under Oregon law, 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, or designee, pursuant to ORS 192.455(1).

M. Conduct of Hearings on Land Use Matters – See RULE 4

RULE 2

Meeting Time, Location, and Frequency

A. Regular meetings. The Council will hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.

B. Special meetings. Special meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

C. Emergency meetings. Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
4. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions. Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
 - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
 - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).

- c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
 - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
 - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
 - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
 3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
 4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

E. Work Sessions. Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. 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.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.

F. Location of Meetings.

1. Council meetings are expected to be held at City Hall, but a majority of a quorum may decide to hold a Council meeting at an alternate site, consistent with these rules.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City's jurisdictional limits, provided no

deliberations toward a decision are made.

4. 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 must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must 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, gender, sexual orientation, source of income, or disability is practiced.

G. Notice of Meetings. The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law and City codes.

H. Attendance at Meetings.

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.
2. Members of the Council must advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.
3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of Council to attend in person.
4. A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, must remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
5. The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council a quarterly report of each member of Council's attendance.

RULE 3

Ordinances and Resolutions

A. Ordinances. An ordinance is a law passed by the Council in its legislative capacity. All ordinances considered by and voted upon by the Council must adhere to the rules outlined herein.

1. **Numbering.** The City Recorder, or designee, must number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the ordinance was introduced.
2. **Preparation.**
 - a. The enacting clause of each ordinance must be “The City of Tualatin ordains as follows:”
 - b. All ordinances must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
 - c. No ordinance can relate to more than one subject, which must be clearly expressed in its title, and no ordinance, or section thereof, can be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
3. **Introduction.**
 - a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
 - b. After introduction, the Council may direct by majority vote of the members present any of the following:
 1. A public hearing on the ordinance be held;
 2. Refer the ordinance to committee for review and recommendation;
 3. Refer the ordinance to the City Manager for further revision;
 4. Pass the ordinance to a second reading; or
 5. Reject the ordinance in whole or in part.
4. **Readings and Final Action.**⁵
 - a. Every ordinance of the Council must, before final passage, be read fully and distinctly in an open Council meeting on two different days.

⁵ This process is outlined in Charter Section 35.

- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.
- c. Any of the readings may be by title only, instead of a full reading, if:
 - 1. No Council member present at the meeting requests to have the ordinance read in full; or
 - 2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.
- e. The City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.
- f. Upon the enactment of an ordinance, the City Recorder, or designee, must sign it with the date of its passage, the City Recorder, or designee’s name and title of office, and within three days thereafter the Mayor must sign with the Mayor’s name, and the title of office.

B. Resolutions. A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

- 1. **Numbering.** The City Recorder, or designee, must number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the resolution was introduced.
- 2. **Preparation.**
 - a. The resolving clause of each resolution must be “Be it resolved by the City Council of the City of Tualatin that:”
 - b. All resolutions must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
- 3. **Introduction.**
 - a. Resolutions must be introduced by the Presiding Officer.

b. After introduction of the resolution, the Council may direct that:

1. A public hearing be held on the resolution;
2. Pass the resolution; or
3. Reject the resolution in whole or in part.

4. Readings and Final Action.

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.
- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. For resolutions placed on General Business, the City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must recorded in the meeting minutes.

RULE 4

Land Use Hearings

A. General Conduct of Hearings.

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, , it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. 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, or designee, must note the numbers of such persons for the record in the minutes.

B. Quasi-Judicial Land Use Matters.

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
 - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
 2. 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.
3. **Ex Parte Contact.**
 - a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.

- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

4. Burden of Proof.

- a. 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.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. 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.

5. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

- a. Land Use Hearing Disclosure Statement. The Presiding Officer must read the land use hearing disclose statement, which must include:
 - 1. A list of the applicable criteria;
 - 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - 3. 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
 - 4. 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.
- b. Call for ex parte contacts. The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
- c. Call for abstentions. The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must 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 must

not participate in any discussion or debate on the issue of which the conflict arises.

- d. **Staff summary.** Planning staff will present a summary and recommendation concerning the proposal.
 - e. **Presentation of the Case.** The presentation of the case will be as follows:
 1. **Proponent's case.**
 2. **Persons in favor.**
 3. **Persons opposed.**
 4. **Other interested persons.**
 5. **Rebuttal.** Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
 - f. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
 - g. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

C. **Legislative Land Use Matters.**

1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
 - a. **Call for abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
 - c. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

- d. **Presentation of the Case.** The presentation of the case will be as follows:
1. Proponent's case.
 2. Persons in favor.
 3. Persons opposed.
 4. Other interested persons.
- e. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
- f. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- g. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

RULE 5

Motions, Debate, Public Comment, and Voting

A. Motions. The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

B. Motion to Reconsider.

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

C. Debate. The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

D. Public Comment.

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person creating an actual disturbance, which includes, but is not limited to making personal, impertinent, or slanderous remarks, becoming boisterous, threatening, or personally abusive while addressing the Council, or any applause, boos, or other public demonstrations by those attending the Council, may be requested to leave the meeting.

E. Voting. The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 4 of these Rules.

F. Reports. A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.

G. Consent Agenda. The unanimous vote of all members of Council present is required to approve the matters on a consent agenda.

H. Ordinances. An ordinance requires a majority of a quorum to pass.

I. Emergency Ordinances. An emergency ordinance requires the unanimous vote of all Council members present.

J. Resolutions. A majority of a quorum is required to pass a resolution.

K. Budget. The budget requires a majority of a quorum to pass.

L. Franchise Agreements. A majority of a quorum is required to pass an ordinance granting a franchise.

M. Suspension of Rules. A unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.

N. Votes. All votes must be recorded in the minutes.

O. Tie Votes. Tie votes indicate a denial of the motion or proposal.

P. Effective Date.

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

RULE 6

Minutes

A. Generally.

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
 - a. The date, time and place of the meeting;
 - b. The members of the Council present;
 - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - d. The results of all votes and the vote of each member by name;
 - e. The substance of any discussion on any matter; and
 - f. A reference to any document discussed at the meeting.

B. Approval. The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

RULE 7 Appointments

A. Appointments of City Staff. The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the entire Council.

B. City Manager/Recorder. The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.

1. **Reviews.** The City Manager is subject to a review by the Council to be conducted in even numbered years before the last Council meeting in December.
2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.

C. Municipal Judge. The Council appoints and may remove the Municipal Judge, including pro tem judges.

1. **Reviews.** Any judge appointed by the Council is subject to an annual review by the Council.
2. **Removals.** All appointed judges may be removed by a majority vote of the entire Council.
3. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.

D. Council Subcommittees. Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
 - a. Council Committee on Advisory Appointments. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.
 - b. Governance Committee. The purpose of the Governance Subcommittee is review the Council Rules and recommend amendments and changes to the full Council, conduct performance reviews of the City Manager and Municipal Judge, investigate rules violations and disciplinary matters of members of Council, and recommend disciplinary sanctions of members of Council to the full Council. A member of Council can refer a rules violation or other claim of violation by any other member of Council to the Governance Committee.

E. Appointments of Citizen Members to Boards, Commissions and/or Committees.

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
 - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
 - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.
 - c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
 - d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
 - e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
 - f. All appointments must be by majority vote of the members of Council present.

RULE 8

Ethics, Decorum, Outside Statements, and Social Media

A. Ethics.

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must 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. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).

B. Decorum.

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may cause an actual disturbance, which includes, but is not limited to, disrupting the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who creates an actual disturbance will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

C. Statements to the Media and Other Organizations

1. Representing City. If a member of 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 of Council may only state the official position of the City, as approved by a majority of the Council.

2. Personal Opinions. If a member of 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 of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

D. Use of Social Media.

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
 - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
 - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

RULE 9

Interactions with City Staff

A. City Staff. All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. 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 must be directed to the City Manager. Questions sent to staff must be copied to the City Manager.
4. Members of the Council must normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

B. City Attorney. Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager;
2. To discuss parliamentary procedures of these Rules; or
3. To discuss substantive legal issues involving pending City business if the legal issue does not require more than 2 hours of the City Attorney's time.

RULE 10

Enforcement and Consequences

A. Enforcement. The Council may enforce these rules and ensure compliance with City ordinances, 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.⁶

B. Investigations and Hearings.

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.
2. Before the Council may publicly reprimand or remove a member of Council, the Council must to the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).

⁶ Other than for the reasons stated in Charter Section 32, an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

RULE 11

Amendment and Repeal of Council Rules

A. Amendment. These Rules are subject to amendment by the Council.

1. Any proposed amendment to these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
2. All amendments to these rules require approval by a majority of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

B. Repeal. These Rules are subject to repeal and replacement by the Council.

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

RULE 12

Finances and Travel Policy

A. Financial Statements. Pursuant to ORS 244.050, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.

B. Health Insurance. Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.
2. Councilors may each receive City health insurance benefits at the single employee level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

C. Technology Stipend. Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

D. Water Bill. Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

E. Travel Policy.

1. **Adoption of Reimbursement Rates.** The recent rates established by the U.S. General Services Administration (GSA) are the maximum allowed by destination for reimbursement of per diem rates for meals and lodging, and the maximum allowed for privately owned vehicles for mileage reimbursement. The website to obtain the current per diem rates is www.gsa.gov/perdiem.
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
 - a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/departure times. If the member of Council makes first-class or business-class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
 - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the compact rate.
 - c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.

- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

4. **Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

5. **Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's business-related travel requires an overnight accommodation.
- b. Reimbursement will be at the cost of a single standard room at the per diem rate established by the GSA, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls will be reimbursed. If in-room internet is necessary to conduct City business, the expense is reimbursable.

6. **Meals.**

- a. The City will pay the GSA per diem rate for meals.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, no reimbursement will be given for that meal. Conference "continental" is not considered a meal.
- d. For a single day trip:
 - 1. Breakfast – Reimbursed when travel begins before 10:00 a.m. and the one-way trip is at least 75 miles.
 - 2. Lunch – Reimbursed when travel begins before 11:00 a.m., lunch is not provided in the training/ conference cost, and the one-way trip is at least 75 miles.
 - 3. Dinner – Reimbursed when travel ends after 4:00 pm and the one-way trip is at least 75 miles.
- e. For trips involving an overnight stay, meals will be reimbursed based on the time of departure:

1. Breakfast – Reimbursed when travel begins before 10:00 a.m.
 2. Lunch – Reimbursed when travel occurs between 11:00 a.m. and 2:00 p.m.
 3. Dinner – Reimbursed when travel occurs after 4:00 p.m.
- f. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

F. Travel Advances and Reimbursements.

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.
- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager at least two-weeks in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
 - i. A receipt is provided; or
 - ii. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

A. Council Report Required for Expenses over \$250.00.

1. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$250.00, but less than \$1,500.00, is required to give an oral or written documentation for the expenditure to the Council. The written documentation may be placed on the consent agenda for consideration by the Council.
2. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$1,500.00 must provide an oral or written report to the Council. The report cannot be placed on the consent agenda, but must be placed separately on the agenda for consideration by the Council.