



City of Tualatin

TUALATIN CITY COUNCIL

Monday, SEPTEMBER 25, 2017

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 5:30 p.m.

BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Joelle Davis

Councilor Robert Kellogg

Councilor Paul Morrison

Councilor Jeff DeHaan

Councilor Frank Bubenik

Councilor Nancy Grimes

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR SEPTEMBER 25, 2017

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Proclamation Declaring September 21-27, 2017 as Constitution Week in the City of Tualatin

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of **Resolution No. 5338-17** Authorizing the City Manager to Execute a Revocable Permit to Allow a Fiber Optic Network Connection to Cross SW Leveton Drive for LAM Research

E. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Resolution No. 5340-17** a Resolution Authorizing The City Manager to Apply For and Accept Community Development Block Grant Funds to Complete Project Design and Construction For the Sagert Street Pedestrian Connectivity and Enhancement Project
2. Consideration of Recommendations from the Council Committee on Advisory Appointments
3. Consideration of **Ordinance No. 1403-17** City of Tualatin Mobile Food Unit Regulations.

4. Consideration of Council Rules

F. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

G. COMMUNICATIONS FROM COUNCILORS

H. ADJOURNMENT

City Council Meeting

Meeting Date: 09/25/2017

ANNOUNCEMENTS: Proclamation Declaring September 21-27, 2017 as Constitution Week

ANNOUNCEMENTS

Proclamation Declaring September 21-27, 2017 as Constitution Week in the City of Tualatin

Proclamation

Proclamation

*Declaring the Week of September 21-27, 2017 as
Constitution Week
in the City of Tualatin*

WHEREAS September 17, 2017, marks the two hundred thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention and

WHEREAS it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week; and

NOW THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

The week of September 21-27, 2017 is designated as Constitution Week. We ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through the guardian of our liberties, remembering that lost rights may never be regained.

INTRODUCED AND ADOPTED this 25nd day of September, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Tony Doran, Engineering Associate
Jeff Fuchs, City Engineer

DATE: 09/25/2017

SUBJECT: Consideration of **Resolution No. 5338-17** Authorizing the City Manager to Execute a Revocable Permit to Allow a Fiber Optic Network Connection to Cross SW Leveton Drive for LAM Research

ISSUE BEFORE THE COUNCIL:

Consideration of **Resolution No. 5338-17** authorizing the City Manager to execute a Revocable Permit to allow a fiber optic network connection to cross SW Leveton Drive for LAM Research.

RECOMMENDATION:

Staff recommends Council consider the attached resolution.

EXECUTIVE SUMMARY:

Approval of this resolution will authorize the City Manager to allow the LAM Research fiber optic network connection to be located within a 10-foot easement across the SW Leveton Drive right-of-way. The City would not be liable for the fiber optic network connection or any consequences from use or maintenance of the easement. The permit is revocable with 180 days notice with removal of the fiber optic network connection and repair of SW Leveton Drive at LAM Research's expense and performance.

LAM Research has acquired additional buildings near their campus northwest of SW 108th Avenue and SW Leveton Drive. Their new buildings are located at the southwest corner of SW 108th Avenue and SW Leveton Drive. LAM Research has requested permission to construct a fiber optic network connection to provide communication between buildings located at 11361 SW Leveton Drive and 18625 SW 108th Avenue, which are on opposite sides of SW Leveton Drive. A revocable permit is needed for the private fiber optic network connection where it crosses under public right-of-way for SW Leveton Drive.

Attachments: [Reso-LAM Revocable Permit](#)

B - Revocable Permit

C - Legal Description and Map

D - Vicinity Map

RESOLUTION NO. 5338-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REVOCABLE PERMIT FOR A PRIVATE FIBER OPTIC NETWORK CONNECTION FOR LAM RESEARCH IN SW LEVETON DRIVE

WHEREAS, LAM Research requested to place a private fiber optic network connection within the right-of-way of SW Leveton Drive adjacent to 11361 SW Leveton Drive; and

WHEREAS, LAM Research needs to construct this fiber optic network connection to provide communication between buildings on opposite sides of SW Leveton Drive located at 11361 SW Leveton Drive and 18625 SW 108th Avenue; and

WHEREAS, granting the revocable permit is in the public good;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute a Revocable Permit, which is attached as Exhibit 1 and incorporated by reference.

Section 2. The City Manager is authorized to revoke the permit for any reason and at any time with 180 days prior notice to the permittee.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 25th day of September, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

After recording return to:
City of Tualatin, Oregon
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092



REVOCABLE PERMIT (Right-of-Way)

The City of Tualatin (“City”), pursuant to Resolution No. 5338-17, hereby grants LAM Research (“Permitee”) the right to encroach upon and occupy a portion of public right-of-way, as more particularly described in Exhibit A (“Legal Description”) and as depicted on Exhibit B (“Map”) for the purpose of crossing the right-of-way with a private fiber optic network connection (“Encroachment”), subject to the terms and conditions set forth herein.

The City grants the permit on the condition that Permitee promises and agrees to comply with the following terms, conditions, and restrictions:

1. The Encroachment as constructed must pass inspection by the City confirming it complies with all applicable Codes of the City of Tualatin including, but not limited to, structural safety, traffic, sanitation, land use, and fire requirements.
2. In constructing and maintaining the Encroachment, Permitee agrees to comply with the plans and specifications approved by the City and all applicable permits.
3. Permitee must maintain the Encroachment in good order and must immediately notify the City of any dangers to person or property, or any dangerous conditions, that exist with regard to the Encroachment, which are either known or discovered by Permitee.
4. Permitee assumes all risk of damage to its Encroachment, and any buildings, structures, utilities, or other appurtenances connected to the Encroachment, resulting from, or arising out of, any and all uses of the public right-of-way by the City, its officers, employees, agents, and the general public.

5. Permittee must defend, indemnify, and hold harmless the City, its officers, agents, and employees, against any and all claims for damages of any kind attributable to Permittee and which is caused or alleged to have been caused as a result of the Encroachment or this Permit, whether such damage or injury results from normal operation or accident or any other cause.
6. The placing of the Encroachment in a portion of the aforesaid public right-of-way will not give to Permittee, or anyone else, any permanent right to its continued or exclusive occupancy.
7. This Permit is revocable by the City, in its sole discretion, for any reason. City will provide Permittee at least 180 days prior written notice and provide the effective date of the revocation in the notice, on or before the effective date of the revocation, Permittee, at its own expense, will remove the Encroachment from City's right-of-way; and, failing to do so, the City may cause removal of the Encroachment at the cost and expense of Permittee, including any and all legal costs and attorney fees..
8. Permittee's obligations under the provisions of this Permit are binding upon all of the heirs, successors, and assigns of Permittee.
9. In the event Permittee includes more than one person or entity, all such persons or entities are jointly and severally liable for all conditions herein.
10. Any construction within the right-of-way requires a Public Works Permit and compliance with all applicable codes and regulations.

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ACCEPTED, and the conditions hereof acknowledged and agreed to the _____ day of _____, 2017.

Permitee:

LAM Research

By: _____

Its: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by _____, known to me to be the _____ of LAM Research.

Notary Public—State of Oregon
My commission expires: _____

Witness my hand this _____ day of _____, 20____.

By: _____
City Manager

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by Sherilyn Lombos, as the City Manager for the City of Tualatin, Oregon.

Notary Public—State of Oregon
My commission expires: _____

APPROVED AS TO FORM:

By: _____
City Attorney



9715 SW Buckskin Ter.
Beaverton, Oregon 97008
Ph: 503-590-7158
Fax: 503-521-8372
Email: dave@davemillsconsulting.com

EXHIBIT A

A 10 foot strip of land located within the Right of Way of SW Leveton Drive in the Northeast 1/4 of Section 22, Township 2 South, Range 1 West, Willamette Meridian, City of Tualatin, Washington County Oregon, being more particularly described as follows:

Beginning at a point on the North Right of Way Line of SW Leveton Drive being S. 89°41'51" E. 482.33 feet from the Southwest corner of Parcel 2 of Partition Plat No. 2001-058. Thence along the centerline of said strip of land being 5.00 feet each side of centerline, S. 0°18'09" W. a distance of 79 feet to the South Right of Way Line of said SW Leveton Drive, the terminus being easterly 136.99 feet from the Northwest corner of Parcel 1 of Partition Plat No. 2001-024.



PARTITION PLAT NO. 2001-058

PARCEL 2

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 18, 1980
DAVID W. MILLS
01915

EXPIRES 12-31-18

FD. BRASS PIN W/ WASHER

FD. BRASS NAIL W/ WASHER

POB

S. 89° 41' 51" E., 482.33'

55.83'

30'

N. 89° 41' 51" W.

SW LEVETON DRIVE

5'

5'

S. 0° 18' 09" W.

79'

49'

FD. 5/8" IR W/ YPC

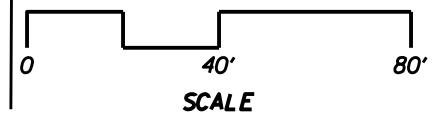
136.99'

FD. 5/8" IR W/ YPC

SW 108TH AVENUE

PARTITION PLAT NO. 2011-024

PARCEL 1



PROFESSIONAL LAND SURVEYING
SERVICES, OREGON & WASHINGTON

Dave Mills
Consulting Inc.

PHONE: 503-590-7158
FAX: 503-521-8372

dave@davemillsconsulting.com
9715 SW BUCKSKIN TER., BEAVERTON, OR 97008

JOB NO: 17-11
SCALE: 1" = 40'
FILE: LEVETON EXHIBIT.DGN
DATE: 9-6-17

EXHIBIT B
ROAD CROSSING

IN
THE NE 1/4 OF SECTION 22, T. 2 S., R. 1 W., WM.
CITY OF TUALATIN, WASHINGTON COUNTY, OREGON

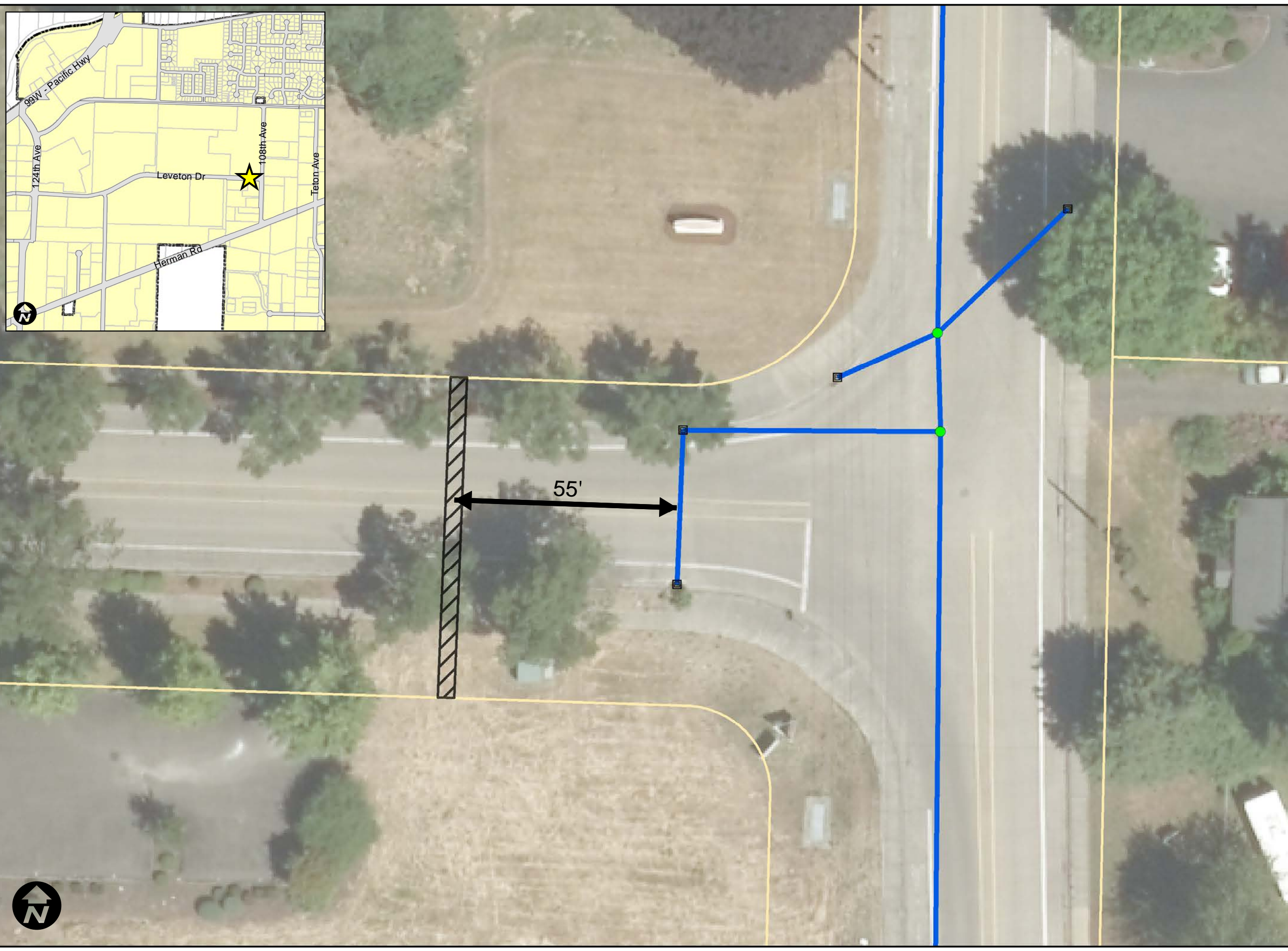
Conduit Plan LAM Research

 Directional Bore
Conduit



RF 1:260

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -IS Dept.
Printed: 8/15/2017



55'



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Zoe Monahan, Management Analyst
Alice Cannon, Assistant City Manager

DATE: 09/25/2017

SUBJECT: Consideration of **Resolution No. 5340-17** a Resolution Authorizing The City Manager to Apply For and Accept Community Development Block Grant Funds to Complete Project Design and Construction For the Sagert Street Pedestrian Connectivity and Enhancement Project

ISSUE BEFORE THE COUNCIL:

Consider authorizing the City Manager to apply for and accept Community Development Block Grant funds to complete project design and construction for the Sagert Street Pedestrian Connectivity and Enhancement Project.

RECOMMENDATION:

Authorize the City Manager to apply for and accept Community Development Block Grant funds to complete project design and construction for the Sagert Street Pedestrian Connectivity and Enhancement Project.

EXECUTIVE SUMMARY:

The City of Tualatin is seeking Community Development Block Grant (CDBG) funding for the design and construction of the Sagert Street Pedestrian Connection & Enhancement Project. This project will connect two neighborhoods in low/moderate income population census tracts with critical infrastructure including a park, hospital, school, and transit. The neighborhood north of Sagert Street is in a 63% low/moderate census tract and the neighborhood south of Sagert Street is 53% low/moderate census tract which qualifies both neighborhoods for CDBG funding.

This project will greatly improve pedestrian access from 72nd Avenue to Wampanoag Drive by removing and replacing curb ramps and sidewalks to improve walkability and meet current accessibility standards. The project will also improve pedestrian safety by adding a crosswalk to connect low income neighborhoods with improved facilities. A new crosswalk will be added across Sagert Street at 68th Avenue and will include a pedestrian activated signal also known as Rapid Flashing Beacons (see attached map). The sidewalk on the south side of Sagert Street will be removed and replaced from 72nd Avenue to Wampanoag Drive along with nine (9) curb ramps to provide a much improved safe corridor for pedestrians and transit riders.

This project will connect residents to their neighbors, Atfalati Park, Legacy Meridian Park Hospital, medical offices, and Horizon Elementary and Middle School. The project will also improve access to the TriMet Line 76, the only all day regular service line in the City of Tualatin, and Ride Connection stops. Ride Connection provides local last mile transit service for residents of Tualatin to areas of employment, the hospital and other the Westside Express Service (WES) station.

In order to advance this project, the City of Tualatin is requesting \$211,000 of Community Development Block Funds which would be available in 2018. The City will provide \$75,000 match as well as a \$50,000 match from the MSTIP Opportunity Fund. The CDBG funds will be available in July 2018. If the grant funds are awarded, they would be used to design and construct this project.

Attachments: Presentation Sagert Street CDBG Request
 Resolution 5340-17 CDBG



Community Development Block Grant (CDBG) Request

Tualatin City Council
September 25, 2017



What is CDBG?

- Funded by HUD
- Directed by federal law and local policies
- Administered locally by
 - Washington County Board of Commissioners
 - Policy Advisory Board
 - Washington County Office of Community Development
- Projects Sponsored by
 - Jurisdictions (Cities and County)
 - Nonprofit Corporations

Community Development Block Grant

Competitive Program Categories

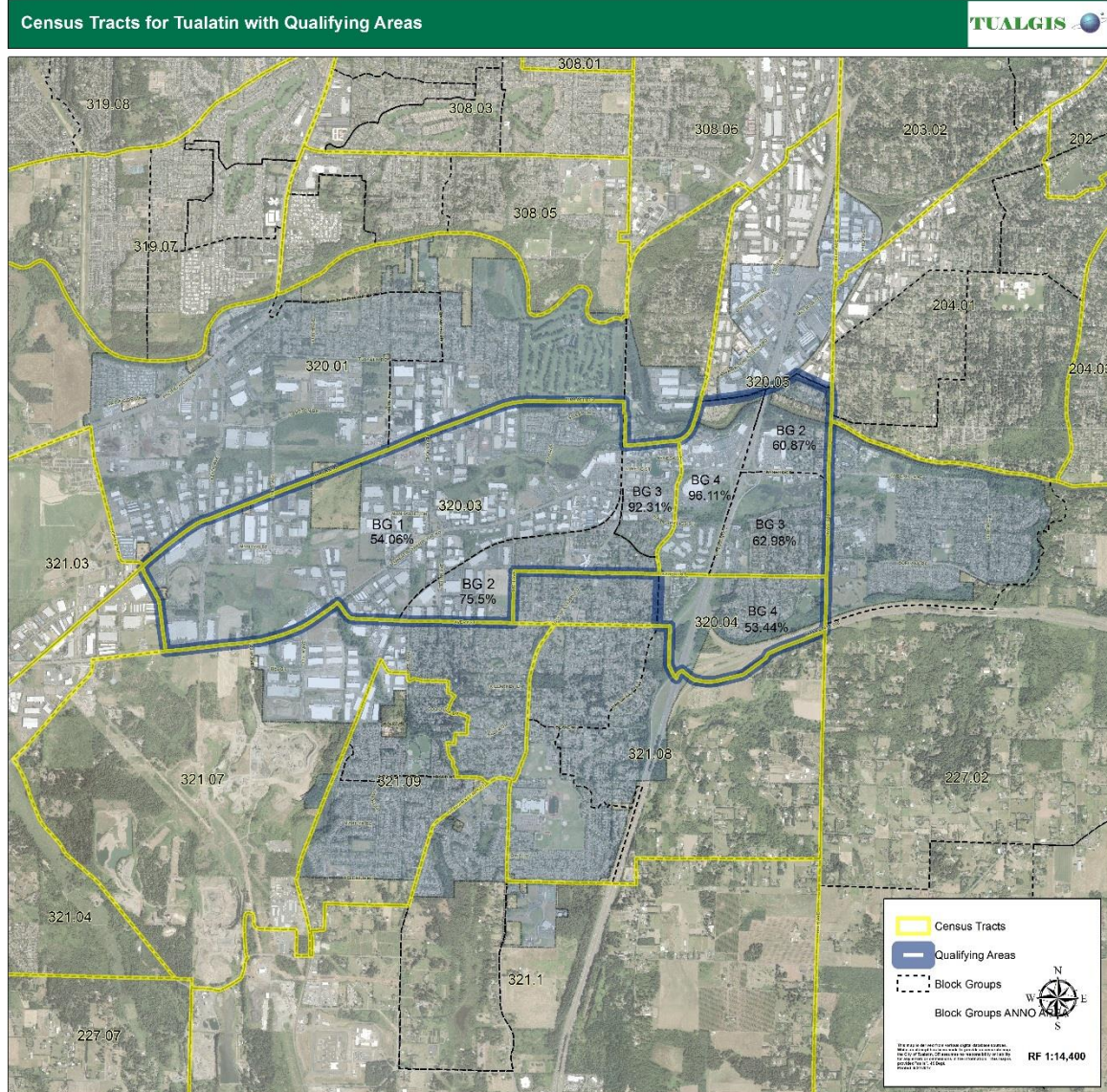
- Public Facilities
 - Shelters
 - Residential Treatment Centers
 - Community Centers
- Infrastructure Improvements
- Public Services
 - Federal Cap of 15%

Community Development Block Grant

2015- 2020 Funding Allocation Formula

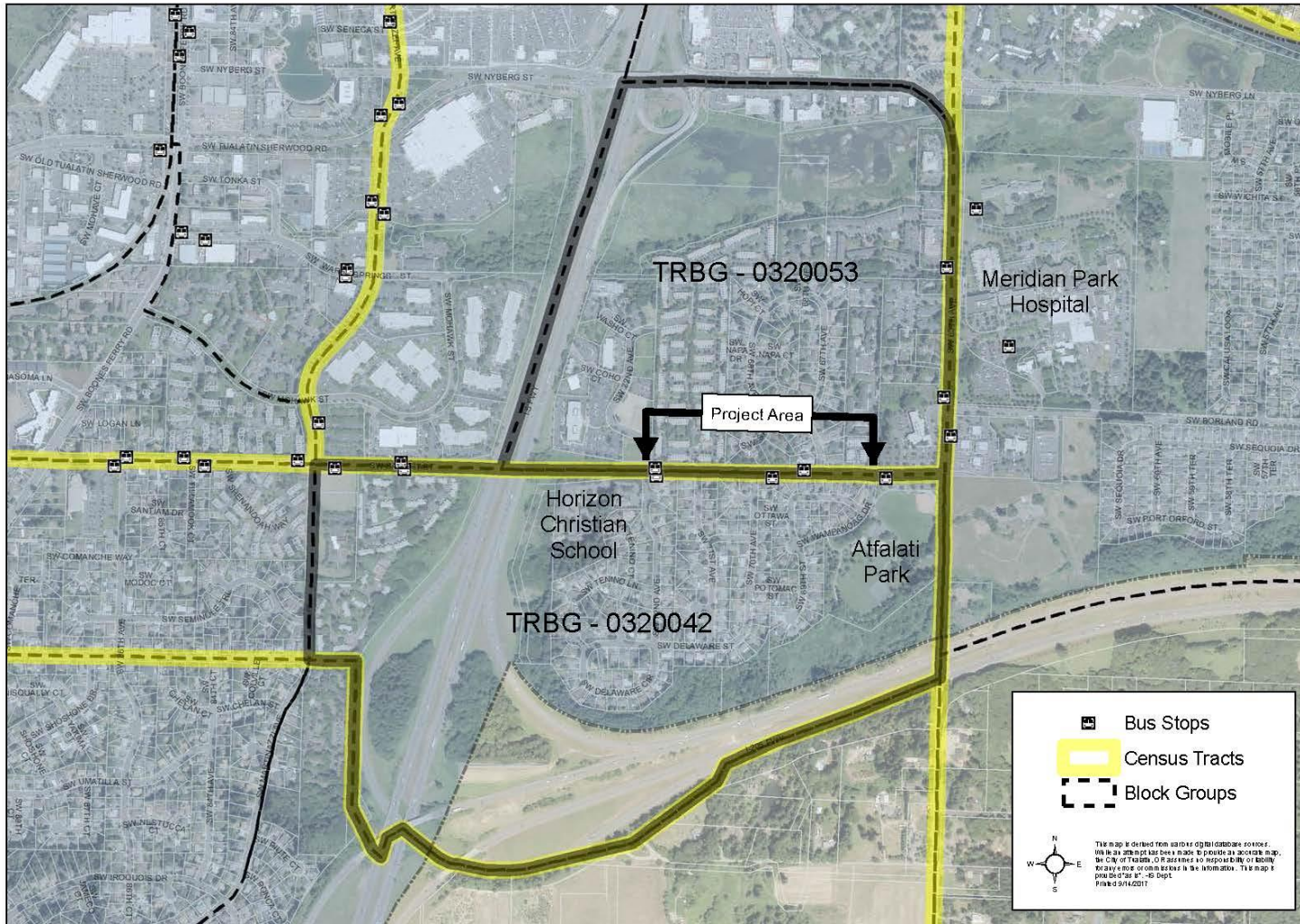
- 20% of the total CDBG allocation for Admin
- 15% of the total CDBG allocation for Public Services
- Balance remaining:
 - 30% for Public Facilities
 - **30% for Infrastructure (Estimate \$366,129 for 2018)**
 - 40% for Affordable Housing
(Housing Rehabilitation Set-asides and Affordable Housing Set-aside for CHDO tax credit project)

CDBG Qualifying Census Tracts



Project Census Tracts

Sagert Street Project Block Groups



Project Location



Project Needs



Project Proposal

- Design construction documents
- Remove and replace sidewalk to standard
- Remove and replace ADA curb ramps to standard
- Install rapid flashing beacon (RFB)

Grant Request

| Project Estimate | | |
|-----------------------|-----|-----------|
| Project Cost Estimate | | \$336,000 |
| MSTIP Match | 15% | \$50,000 |
| City Match | 22% | \$75,000 |
| CDBG Total | | \$211,000 |

Grant Review Process

October 6, 2017: Applications due to Washington County

Week of Jan 22, 2018: Sponsor presentation to the Policy Advisory Board

February 8, 2018: Policy Advisory Board Approves list of Projects

April 12, 2018: Policy Advisory Board Approves Draft Action Plan

May 1, 2018: Board of Commissioners Approves the Action Plan

July 1, 2018: Projects Funded – Program Year Begins

Council Action

Adopt Resolution 5340-17 authorizing the City Manager to sign the Community Development Block Grant application for project development of the Sagert Street Pedestrian Connectivity and Enhancement Project.

Questions?

RESOLUTION NO. 5340-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO COMPLETE PROJECT DESIGN AND CONSTRUCTION FOR THE SAGERT STREET PEDESTRIAN CONNECTIVITY AND ENHANCEMENT PROJECT.

WHEREAS, Washington County is accepting proposals for the Community Development Block Grant Program; and

WHEREAS, the City of Tualatin desires to participate in this funding program for project design and construction of the Sagert Street Pedestrian Connectivity and Enhancement Project; and

WHEREAS, there are over 3,100 residents, nearly 60% of which are low/moderate income, in the two adjacent census tract and block areas; and

WHEREAS, this project will improve pedestrian access to schools, a park, transit, and medical services to low/ moderate income residents along Sagert Street between 72nd Avenue and Wapanoag Drive; and

WHEREAS, receiving the CDBG funds would provide funding for project development and construction of the Sagert Street Pedestrian Connectivity and Enhancement Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

Section 1. The City Manager is authorized to apply for, and if awarded, accept RFFA Grant funding from Washington County for project development of the Sagert Street Pedestrian Connectivity and Enhancement Project.

Section 2. The City Manager is authorized to execute any and all documents related to the grant application and to effectuate the award.

Section 3. This Resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 25th day of September, 2017.

CITY OF TUALATIN OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 09/25/2017

SUBJECT: Consideration of Recommendations from the Council Committee on Advisory Appointments

ISSUE BEFORE THE COUNCIL:

Consideration of appointments to the Tualatin Tomorrow Advisory Committee.

RECOMMENDATION:

Staff recommends the City Council approve the recommendations from the Council Committee on Advisory Appointments (CCAA).

EXECUTIVE SUMMARY:

The CCAA reviewed applications from citizens interested in participating on City advisory committees. The Committee recommends appointing the following individual:

| <i>Individuals</i> | <i>Board</i> | <i>Term</i> |
|---------------------------|--------------------------------------|--|
| Maria Reyes | Tualatin Tomorrow Advisory Committee | New Appointment Term Expiring 12/31/17 |

Attachments:



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Charles Benson, Associate Planner

DATE: 09/25/2017

SUBJECT: Consideration of Ordinance No. 1403-17 City of Tualatin Mobile Food Unit Regulations.

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1403-17 City of Tualatin Mobile Food Unit Regulations.

RECOMMENDATION:

Staff recommends Council consider Ordinance No. 1403-17.

EXECUTIVE SUMMARY:

Ordinance No. 1403-17 would enact new Tualatin Municipal Code (TMC) Sections 9-9-010 through 9-9-090 that govern mobile food unit (food truck/cart) operations in the City of Tualatin. This is the result of an approximately two-year process that began in Fall 2015 when a local food truck operator was found to be in violation of current Tualatin Development Code (TDC) Section 34.013.

Since then, staff has followed Council direction in establishing a project framework, conducting research and public outreach, creating a task force on the topic, and authoring a series of draft ordinances for Council consideration. Council approved temporary ordinances (1393-16 and 1398-16) which allowed mobile food units to operate in the commercial and industrial areas of the city with minimal regulations while staff continued work on drafting a permanent ordinance; the temporary ordinance is set to expire on December 31, 2017.

Ordinance No. 1403-17 is the result of these efforts. If adopted, Ordinance No. 1403-17 would become effective January 1, 2019.

OUTCOMES OF DECISION:

A recommendation to approve Ordinance No. 1403-17 would result in new regulations pertaining to mobile food unit operations within the City of Tualatin. Ordinance No. 1403-17 would become effective January 1, 2019.

A recommendation to deny Ordinance No. 1403-17 would re-establish Tualatin Development Code (TDC) Section 34.013 as the defining regulatory guidance on mobile food unit operations within the City of Tualatin as of January 1, 2019; Ordinance No. 1398-16, a temporary ordinance currently governing mobile food unit operations, expires on December 31, 2017. It should be noted that the restrictive and outdated regulations in TDC Section 34.013 were the catalyst for the entire reassessment of food truck regulations in the City and do not permit food truck operations in the manner that is common and prevalent in the Portland metro area today. If this Ordinance is approved a Plan Text Amendment will be initiated to remove Section 34.013 of the Tualatin Development Code.

ALTERNATIVES TO RECOMMENDATION:

The City Council has four options:

1. Approve the proposed ordinance as drafted;
2. Approve the proposed ordinance with Council amendments;
3. Continue the discussion to a later date; or
4. Deny the proposed ordinance.

FINANCIAL IMPLICATIONS:

The FY 2017/18 budget accounts for the cost of City-initiated land use applications.

Attachments: [Attachment A - Mobile Food Unit Ordinance No. 1403-17](#)
 [Attachment B - Presentation](#)

ORDINANCE NO. 1403-17

AN ORDINANCE RELATING TO MOBILE FOOD UNITS AND CREATING TUALATIN MUNICIPAL CODE CHAPTER 9-09

WHEREAS, Mobile Food Units allow individual entrepreneurship at a small scale and provide unique eating establishments within the City; and

WHEREAS, Council duly considered the impacts of Mobile Food Units on City businesses; and

WHEREAS, the City finds it is in the public interest to enact changes to the Tualatin Municipal Code to allow Mobile Food Units to operate in the City, consistent with this Ordinance.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 9-09 is created as follows:

9-9-010 Purpose and Applicability.

(1) The purpose of this Chapter is to permit mobile food units to operate on private property within the City and establish regulations to protect the health, safety, and welfare of the public.

(2) The requirements of this Chapter do not apply to a mobile food unit that operates:

(a) as a vendor under an approved City event permit;

(b) under a street closure permit granted by the City;

(c) on private property authorized by a Special Event Permit issued under TMC 5-5;

(d) on private property authorized by a Special Assembly permit issued under TMC 6-2;

(e) under the authority of any other permit issued by the City where the City indicates approval of a mobile food unit; or

(f) at private catering events where the sale or distribution of food is not open to the public.

9-9-20 Definitions.

(1) "Mobile Food Unit" means a vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway, or water on which food is prepared, processed, or

converted, or which is used in selling and dispensing food to the public. Mobile Food Units include, but are not limited to, food trucks, food carts, and pushcarts.

(2) "Person" means individuals, corporations, associations, firms, partnerships, limited liability companies, and joint stock companies.

(3) "Pushcart" means a non-motorized cart designed to be pushed or pulled by a person.

(4) "Site" means a lot or parcel of property on which a mobile food unit is permitted to operate.

9-9-030 Mobile Food Unit Permit Required.

(1) Any person wanting to operate a mobile food unit must obtain a City of Tualatin Mobile Food Unit Permit prior to operating a mobile food unit within the City.

(2) An applicant for a Mobile Food Unit Permit must provide the following information to the City:

(a) the name and contact information of the mobile food unit owner;

(b) the name and contact information of the mobile food unit operator;

(c) the specific location of where the mobile food unit intends to operate and the intended duration of operation;

(d) the name, contact information, and proof of consent from the owner of the property where the mobile food unit intends to operate;

(e) proof of a City of Tualatin business license; and

(f) proof that establishes the person has obtained all required health and sanitary licenses from the State of Oregon and Washington or Clackamas Counties, as applicable.

(3) If the applicant shows proof satisfactory to the City that the application criteria have been met, the City will grant the Mobile Food Unit Permit.

(4) If the City denies the Mobile Food Unit Permit, the City will notify the applicant in writing of the reasons for the denial. An applicant may correct the deficiency or appeal the denial.

(5) An applicant may appeal a denial of a Mobile Food Unit Permit to the City Manager by filing a request for review. The request for review must contain a copy of the denial notice, a request for a hearing or request for written review without a hearing, and a statement setting forth the reason(s) that the denial of the Mobile Food Permit was in error. The City Manager, or designee, will set the matter for a hearing and allow the applicant to present evidence and argument to support the applicant's position. The City Manager must make a written decision

within 30 days of the conclusion of the hearing. The City Manager's decision is final on the matter.

(6) A person granted a Mobile Food Unit Permit must notify the City of any changes in the information provided in the Mobile Food Unit application within 30 days of the change, and update such information annually.

9-9-040 Operating Requirements.

(1) A person operating a mobile food unit must comply with all applicable policies and regulations set forth by the Tualatin Municipal Code and the Tualatin Development Code, including but not limited to all traffic laws and parking regulations.

(2) A person operating a mobile food unit must comply with all health, safety, and environmental laws, including but not limited to proper disposal of cooking waste and wastewater.

(3) A mobile food unit must have wheels and the wheels must not be removed.

9-90-050 Location Standards.

(1) Mobile food units are allowed to operate in the following planning districts:

(a) CO – Commercial Office – except a mobile food unit cannot operate in the CO planning district if the location is within 200 feet of the Central Commercial (CC) planning district;

(b) CR - Recreational Commercial;

(c) MC - Medical Center;

(d) ML - Light Manufacturing;

(e) MG - General Manufacturing;

(f) MP - Manufacturing Park;

(g) MBP - Manufacturing Business Park; and

(h) IN – Institutional.

(2) Mobile food units are prohibited to operate within 100 feet of a gas station.

9-9-060 Site Standards.

(1) Mobile food units, including all items associated with the operation, must not obstruct

pedestrian pathways, driveways, drive aisles, sidewalks, streets, or public rights of way, or otherwise create a traffic or safety hazard.

(2) Mobile food unit operators must provide garbage and recycling for patrons.

(3) Mobile food units must have self-contained water, sewer, and electrical systems, as applicable.

(4) Mobile food units are prohibited from connecting to public or private water, sewer, and electrical utilities.

(5) Mobile food units must operate and park only within an existing paved parking lot or other hard-surfaced area.

(6) Only one mobile food unit is allowed to be present at a site at any one time.

9-9-070 Pushcarts.

(1) Pushcarts are allowed to operate in the following planning districts:

- (a) CC- Central Commercial;
- (b) CG - General Commercial;
- (c) ML - Light Manufacturing;
- (d) MG - General Manufacturing; and
- (e) MP - Manufacturing Park.

(2) Pushcarts must comply with the following standards:

- (a) be no larger than six feet in length;
- (b) not locate within 200 feet of a restaurant or fruit and vegetable market without written consent from the proprietor of the restaurant or market;
- (c) not conduct business on public sidewalks without obtaining a permit from the City;
- (d) not operate on a private sidewalk, except by permission of the property owner; and
- (f) comply with the Site Standards in TMC 9-9-060.

9-9-080 Joint and Several Liability. Any person who owns a mobile food unit will be held jointly and severally liable with any person that operates the mobile food unit for any violation of this Chapter.

9-9-090 Violations.

(1) Any person who violates any provision of this Chapter commits a civil infraction and is subject to a fine of up to \$1,000. Each violation, and each day that a violation continues, is a separate civil infraction.

(2) The civil infraction procedures in TMC Chapter 7-01 apply to the prosecution of any violation of this Chapter.

(3) In addition to prosecution for a civil infraction, a person found in violation of any provision of this Chapter may have a Mobile Food Unit Permit revoked.

(a) Prior to revocation, the City Manager, or designee, must provide the person with written notice of the alleged violation and an opportunity to rebut the allegations.

(b) The City Manager, or designee, will set the matter for a hearing and allow the applicant to present evidence and argument.

(c) Upon conclusion of the hearing, the City Manager, or designee, must make a written decision within 30 days of the conclusion of the hearing. The City Manager's, or designee's, decision is final on the matter.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Section 3. Effective Date. This ordinance is effective January 1, 2019.

Adopted by the City Council this ____ day of September, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST

BY _____
City Attorney

BY _____
City Recorder



**CITY OF TUALATIN MOBILE FOOD UNIT
(FOOD TRUCK/CART) REGULATIONS**

**CITY COUNCIL MEETING
SEPTEMBER 25, 2017**



TONIGHT'S DISCUSSION OVERVIEW

- Consideration of Ordinance No. 1403-17 regarding mobile food unit operations



PROJECT TIMELINE SUMMARY

- Fall 2015: Downtown food truck found to be in violation of current TDC 34.013
- Spring 2016: Council approves project framing, enacts temporary ordinance; staff conducts research and outreach
- Fall 2016: Council authorizes task force, extends temporary ordinance
- Winter 2017: Task force meets, drafts objectives and goals
- Spring 2017: Staff incorporates task force recommendations into draft ordinance
- Summer 2017: Updates to TPC and Council; revisions to ordinance based on feedback



PUBLIC OUTREACH SUMMARY

CITY OF TUALATIN

- Mobile Food Unit FAQ page on City Website updated regularly since June 2016
- Interested parties list that is continuously updated as proposal moves forward
- SurveyMonkey survey in September 2016 to gauge public interest in food trucks/carts
- Tualatin Food Cart Work Group meeting and report in Winter 2017

TUALATIN COMMERCIAL CITIZEN INVOLVEMENT ORGANIZATION (CCIO)

- Key contributor throughout process per Council direction
- City staff attended CCIO meetings specifically related to food truck/cart ordinance

TUALATIN CHAMBER OF COMMERCE

- Key contributor throughout process per Council direction
- City staff attended Chamber meetings specifically related to food truck/cart ordinance



ORDINANCE PROVISIONS

PURPOSE AND APPLICABILITY (TMC 9-9-010)

- Applies **only** to operations on **private** property with the following exceptions:
 1. Vendors under approved City event permit, including Special Event and Special Assembly permits;
 2. Under a street closure permit granted by the City; and
 3. Private catering events not open to the public.
- Does **not** apply to Community Services (Parks) events on the Commons.



ORDINANCE PROVISIONS

DEFINITIONS (TMC 9-9-020)

- Includes legal definitions of the following:
 1. Mobile Food Unit;
 2. Person;
 3. Pushcart; and
 4. Site.



ORDINANCE PROVISIONS

PERMIT REQUIRED (TMC 9-9-030)

- New Mobile Food Unit Permit created and administered by the City, including:
 1. Permit granting requirements; and
 2. Permit maintenance.



ORDINANCE PROVISIONS

OPERATING REQUIREMENTS (TMC 9-9-040)

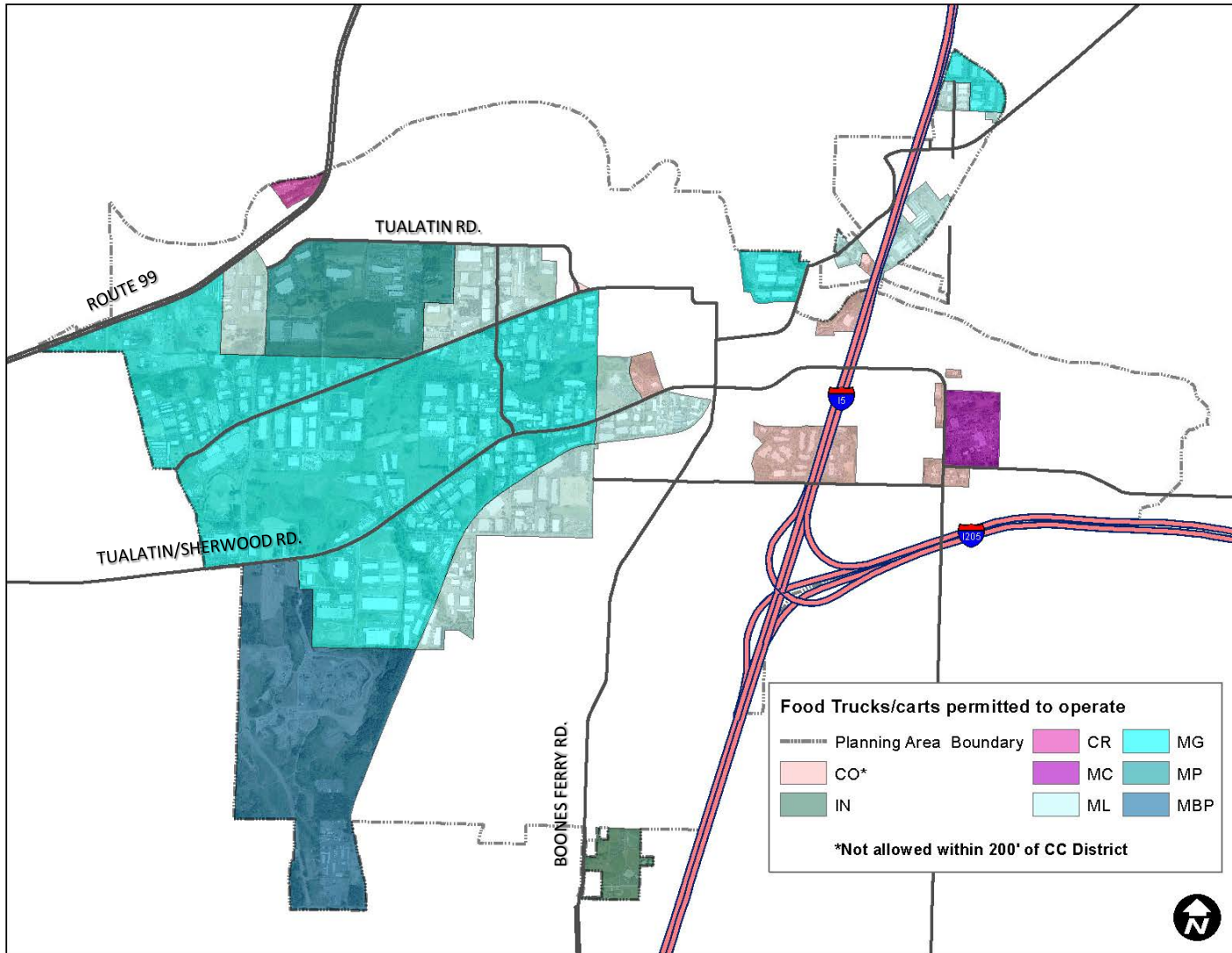
- Mobile Food Units must comply with all applicable TDC and TMC policies and regulations.
- Operators must comply with all related health, safety, and environmental laws.
- Mobile food units must have wheels and the wheels must not be removed.



ORDINANCE PROVISIONS

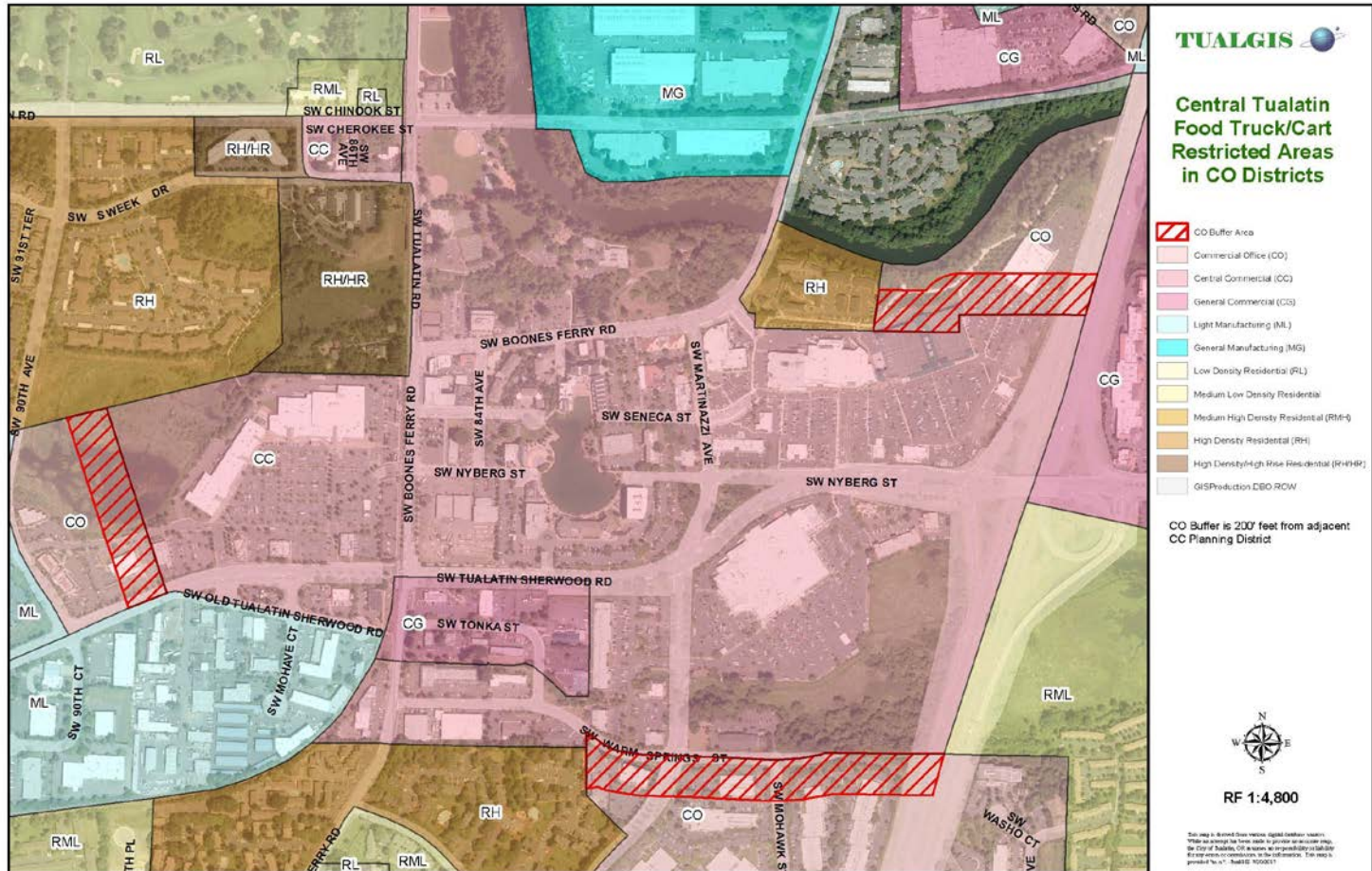
LOCATION STANDARDS (TMC 9-9-050)

- Mobile Food Units are allowed to operate in the following districts:
 - CO (but not within 200 feet of CC) and CR commercial districts;
 - ML, MG, MP, MBP manufacturing districts; and
 - MC and IN districts.
- Not within 100 feet of a gas station.





ORDINANCE PROVISIONS



CITY OF TUALATIN MOBILE FOOD UNIT (FOOD TRUCK/CART) REGULATIONS

CITY COUNCIL MEETING SEPTEMBER 25, 2017



ORDINANCE PROVISIONS

SITE STANDARDS (TMC 9-9-060)

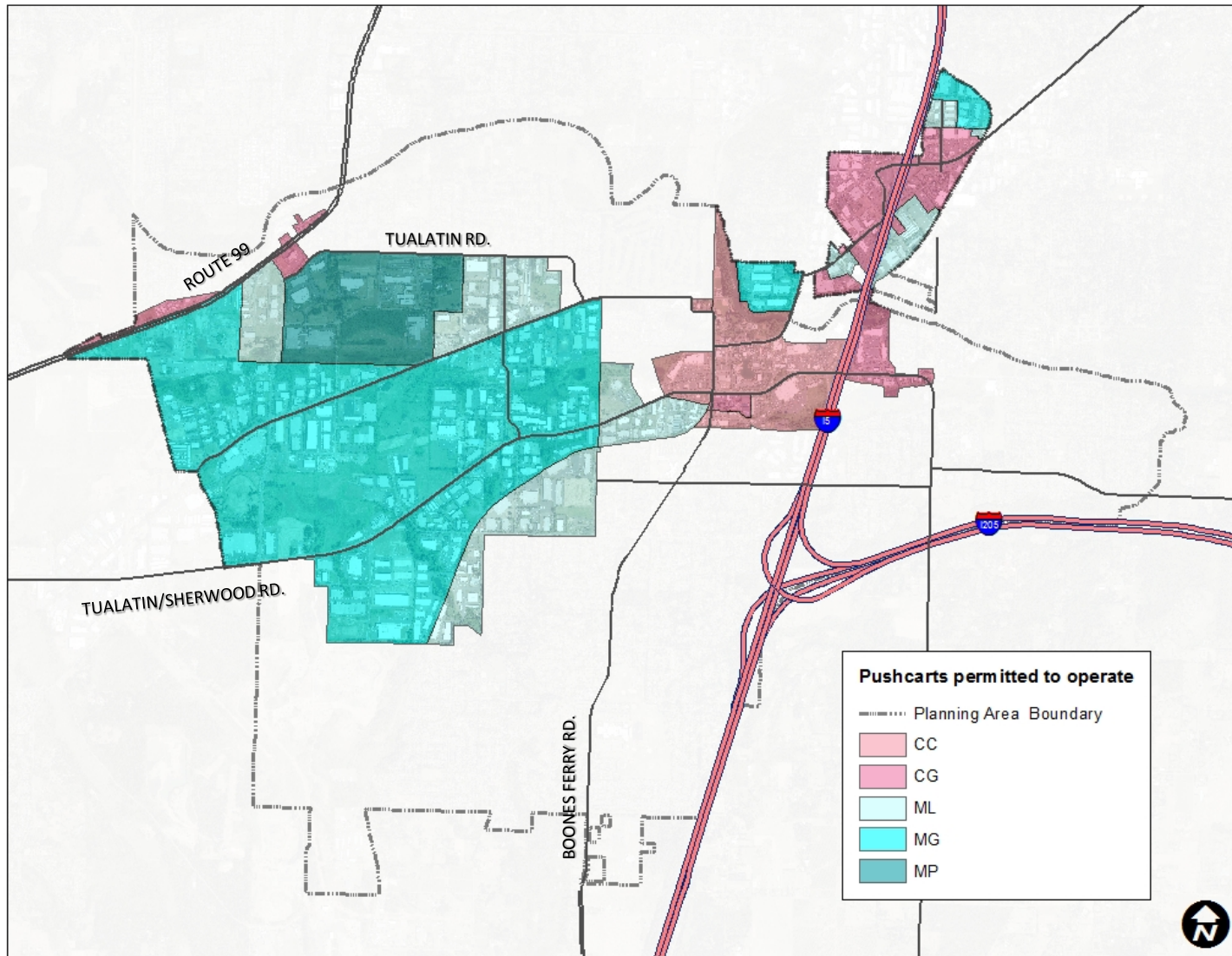
- Must not obstruct transportation or circulation systems or create safety hazard.
- Must provide garbage and recycling for patrons.
- Must have self-contained infrastructure and are not allowed to connect to public or private utilities.
- Must operate on a paved or other hard-surfaced area.
- Only one vendor may operate on a site at any one time.



ORDINANCE PROVISIONS

PUSHCARTS (TMC 9-9-070)

- Pushcarts are allowed to operate in the following districts:
 - CC and CG commercial districts; and
 - ML, MG, and MP manufacturing districts.
- Must be no larger than 6 feet in length.
- Must not operate within 200 feet of restaurant, fruit and vegetable market, or private sidewalk without consent.
- Must comply with Site Standards listed in TMC 9-9-060.





ORDINANCE PROVISIONS

JOINT AND SEVERAL LIABILITY (TMC 9-9-080)

- Establishes liability for violations of the ordinance.

VIOLATIONS (TMC 9-9-090)

- Defines penalties for violations of the ordinance.



COUNCIL OPTIONS

1. Approve the ordinance as drafted;
2. Approve an amended ordinance;
3. Continue discussion to a later date; or
4. Deny the ordinance.



**CITY OF TUALATIN MOBILE FOOD UNIT
(FOOD TRUCK/CART) REGULATIONS**

**CITY COUNCIL MEETING
SEPTEMBER 25, 2017**

City Council Meeting

Meeting Date: 09/25/2017

CONSENT Council Rules

AGENDA:

CONSENT AGENDA

Consideration of Council Rules

SUMMARY

The Council discussed the Council Rules document on September 11 and directed that it be placed on the agenda for further consideration. Also attached are documents from the cities of Happy Valley and Tigard.

Draft Council Rules

Mayor Ogden Highlighted Draft Rules

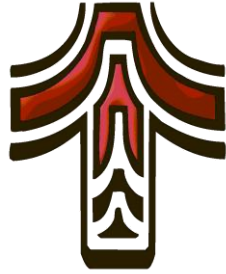
Mayor Ogden Comments

Sample- Happy Valley Council Rules

Sample- Tigard Council Rules

Mayor Ogden Track Changes

Quasi-Judicial Hearing Language



CITY OF TUALATIN COUNCIL RULES

Adopted _____

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RULE 1

General Governance

A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules of procedure for Council meetings.¹ 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.² There are six Councilor positions.³

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.⁴
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

¹ Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings”).

² Charter Sections 7 (Council); 8 (Councilors); 8a(Assignment of Council Positions); 9 (Mayor) (describing Council, Mayor, and powers).

³ Charter Section 8a (Assignment of Council positions).

⁴ Charter Section 14, (“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.”).

Council actions will be taken.

D. Presiding Officer.

1. The Mayor is the Presiding Officer and presides over all meetings.⁵
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.⁶
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:⁷
 - 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.
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.⁸

⁵ Charter Section 17 (Mayor's Functions at Council Meetings) ("The Mayor shall be chair of the Council and preside over its deliberations.").

⁶ Charter Section 18 (President of the Council) ("In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tem.").

⁷ Charter Section 33 (Filling of Vacancies) (authorizes the Council to fill temporary vacancies by majority vote of the "incumbent members.") 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.

⁸ Charter Sections 20a (City Manager) ("attend all meetings of the Council, unless excused therefrom"); Section 22 (Recorder). The person appointed as City Manager is also the same person appointed as the Recorder.

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.⁹

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.
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 member of Council present at the meeting.
7. As a guiding 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:¹⁰
 - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;

⁹ An agenda is required by ORS 192.640 (Oregon Public Meetings Law) (public notice of a meeting must include “[a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.]”)

¹⁰ Charter Section 17 (Mayor’s Functions at Council Meetings) (the Mayor is to “determine the order of business under the rules of the Council.”)

- 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 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.

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 matters. 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.¹¹

B. Special meetings. Special meetings may be called by the Mayor, three members of Council, or by the City Manager.¹²

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.¹³

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.

¹¹ Charter Section 13 (Meetings) ("The Council shall hold a regular meeting at least once a month in the City at a time and a place which is designated."); Tualatin Municipal Code 1-04 (setting forth specific times of meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹² Charter Section 13 (Meetings) ("The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council in accordance with procedures prescribed by the state law and general ordinance. Special meetings of the Council may also be held by the common consent of all the members of the Council in accordance with procedures prescribed by state law and general ordinance."); Tualatin Municipal Code 1-04 (48 hours' notice requirement for Special Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹³ Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

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.¹⁴

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.¹⁵

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.

¹⁴ Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹⁵ Charter Section 13 (Meetings); TMC 1-4-020 (“A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.”); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

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.¹⁶

1. Council meetings must be held at City Hall.
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.¹⁷

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.¹⁸
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.

¹⁶ This section sets forth the requirements for public meetings locations as contained in ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹⁷ Tualatin Municipal Code Chapter 1-04 (48 hours' notice for meetings); ORS 192.610 to 192.690 (Oregon Public Meetings Law).

¹⁸ Charter Section 32 (What Creates Vacancy) (vacancy created "upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy.")

3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard.¹⁹ 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.

¹⁹ ORS 192.610 to 192.690 (Oregon Public Meetings Law) requires the public to have the opportunity to hear the proceedings of a meeting.

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.”²⁰
 - 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:²¹
 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.**
 - a. Every ordinance of the Council must, before final passage, be read fully and

²⁰ Charter Section 34 (Enacting Clause).

²¹ Charter Section 19 (Vote Required) Charter Section 35 (Mode of Enactment).

distinctly in an open Council meeting on two different days.²²

- 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.²³
- c. Any of the readings may be by title only, instead of a full reading, if:²⁴
 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.²⁵
- 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.²⁶
- 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.²⁷

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.

²² Charter Section 35 (Mode of Enactment).

²³ Charter Section 35 (Mode of Enactment).

²⁴ Charter Section 35 (Mode of Enactment).

²⁵ Charter Section 35 (Mode of Enactment).

²⁶ Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); Charter Section 15 (Journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

²⁷ Charter Section 35 (Mode of Enactment).

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.²⁸
 - 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 be recorded in the meeting minutes.²⁹

²⁸ Charter Section 19 (Vote Required) (“ Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

²⁹ Charter Section 15 (Journal) (“Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.”); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of

RULE 4 Land Use Hearings

A. General Conduct of Hearings.³⁰

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.

all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name").

³⁰ State law governs this process. ORS Chapter 197 (Comprehensive Land Use Planning; ORS Chapter 227 (City Planning and Zoning).

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.

- b. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
- c. **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.
- d. **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.
- e. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- f. **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.³¹
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.

³¹ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

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 making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

E. Voting. The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 3 of these Rules.

1. **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.³²

³² Charter Section 19 (Vote Required) ("Except as this Charter otherwise provides, the concurrence of
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2. **Consent Agenda.** The unanimous vote of all members of Council present is required to approve the matters on a consent agenda.
3. **Ordinances.** An ordinance requires a majority of a quorum to pass.³³
4. **Emergency Ordinances.** An emergency ordinance requires the unanimous vote of all Council members present.³⁴
5. **Resolutions.** A majority of a quorum is required to pass a resolution.³⁵
6. **Budget.** The budget requires a majority of a quorum to pass.³⁶
7. **Franchise Agreements.** A majority of a quorum is required to pass an ordinance granting a franchise.³⁷
8. **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.³⁸

a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³³ Charter Section 35 (Mode of Enactment); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³⁴ Charter Section 35 (Mode of Enactment) (“an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council member present...”); Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

³⁵ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³⁶ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³⁷ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

³⁸ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

F. Votes. All votes must be recorded in the minutes.³⁹

G. Tie Votes. Tie votes indicate a denial of the motion or proposal.⁴⁰

H. 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:⁴¹
 - 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.

³⁹ Charter Section 15 (Journal); Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

⁴⁰ Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

⁴¹ Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

RULE 6 Minutes

A. Generally.⁴²

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.

⁴² Charter Section 15 (Journal) ("The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal."); Charter Section 13 (Meetings); Charter Section 22 (Recorder); see also, ORS 192.610 to 192.690 (Oregon Public Meetings Law).

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.^{43 44}

B. City Manager/Recorder. The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.⁴⁵

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.⁴⁶

C. Municipal Judge. The Council appoints and may remove the Municipal Judge, including pro tem judges.⁴⁷

⁴³ Charter Section 20a (City Manager); Charter Section 21 (Municipal Judge); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

⁴⁴ The City Manager has the power to appoint and remove all other City officers under Charter Section 20a (City Manager) (City Manager's power to "appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them....")

⁴⁵ Charter Section 20a (City Manager) ("The Manager shall be chosen by the Council...."); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

⁴⁶ Charter Section 20a (City Manager) ("The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council."); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

⁴⁷ Charter Section 21 (Municipal Judge) ("The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the Council."); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council

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.⁴⁸
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.⁴⁹

D. Council Subcommittees. Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.⁵⁰

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.⁵¹
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

may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

⁴⁸ Charter Section 21 (Municipal Judge) (“The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the Council.”); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

⁴⁹ Charter Section 21(Municipal Judge); Charter Section 10 (Other Officers).

⁵⁰ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

⁵¹ Charter Section 20 (Mayor) (“The Mayor shall appoint the committees provided by the rules of the Council and sign all approved records of proceedings of the Council.”)

the Council Rules and recommend amendments and changes to the full Council.

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. ⁵²

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 disrupt 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 does so 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

⁵² ORS Chapter 244 (Government Ethics).

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.⁵³
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.⁵⁴
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.

⁵³ ORS 192.610 to 192.690 (Oregon Public Meetings Law).

⁵⁴ ORS 192.410 to 192.505 (Oregon Public Records Law).

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.⁵⁵
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 two (2) hours of the City Attorney's time.

⁵⁵ Charter Section 20a (City Manager) (“(c) Powers and Duties. The Manager shall: (1) Devote his or her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City. (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed. (3) Appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them but shall have no control over the judicial activities of the Municipal Judge. (4) Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests. (5) Supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.”).

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.⁵⁶ 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.⁵⁷

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.⁵⁸
2. Before the Council may publicly reprimand or remove a member of Council, the Council must 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).⁵⁹
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).⁶⁰

⁵⁶ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

⁵⁷ Other than for the reasons stated in Charter Section 32 (What Creates Vacancy), 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.

⁵⁸ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

⁵⁹ ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

⁶⁰ ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

RULE 11 Amendment and Repeal of Council Rules

A. Amendment. These Rules are subject to amendment by the Council.⁶¹

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. .⁶²

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.

⁶¹ Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

⁶² Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

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.⁶³

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.

⁶³ ORS Chapter 244 (Government Ethics).

- 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 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. Alcoholic beverages are not authorized for reimbursement.
- e. For a single day trip:
 - 1. Breakfast – Reimbursed when travel begins before 7:00 a.m. and the one-way trip is at least 75 miles.
 - 2. Lunch – Reimbursed when travel begins before 9:00 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 7:00 pm and the one-way trip is

at least 75 miles.

- f. For trips involving an overnight stay, meals will be reimbursed based on the time of departure and return:
 - 1. Breakfast – Reimbursed when departure time is before 7:00 a.m. and return time is after 9:00 a.m.
 - 2. Lunch – Reimbursed when departure time is before 9:00 a.m. and return time is after 3:00 p.m.
 - 3. Dinner – Reimbursed when departure time is before 4:00 p.m. and return time is after 7:00 p.m.
- g. 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.

7. 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:
 - 1. A receipt is provided; or
 - 2. 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.

F. 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.



CITY OF TUALATIN COUNCIL RULES

Adopted _____

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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.

Charter Citations

Mayor appoints Recorder, Judge, and other officers as council deems, with consent of council

Council may assign any officer to supervise other officers except Municipal Judge in the exercise of judicial functions

Compensation of officers and employees shall be fixed by City Council

To be eligible for election a person must be a qualified elector and reside in City for 12 months at time of election and remain a resident during term of office

Council shall hold regular meetings at least monthly

It shall adopt rules for the government of its members and proceedings

The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council. 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.

The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

The Mayor shall be chair of the Council and preside over its deliberations. The Mayor shall have a vote on all questions before the Council and authority to preserve the order, enforce the rules of the Council, and determine the order of business under the rules of the Council

Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to official duties or unlawful destruction of public records; resignation; recall from office; or ceasing to possess qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within 10 days after the term of office is to commence; or in the case of the mayor or councilor, upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy

Vacancies in elective offices in the city shall be filled by appointment by a majority of the incumbent members of the Council. The appointee's term shall begin immediately upon appointment and shall continue until the beginning of the year following the next general biennial election and the successor for the unexpired term shall be chosen at the next general biennial election after said appointment. During the temporary disability of any officer or during the absence temporarily from the City for any cause, the office may be filled pro tem in any manner provided for filling vacancies in office permanently.

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

(b) Except as this section provides the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only,

(1) if no Council member present at the meeting requests to have the ordinance read in full; or

(2) if 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 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

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

City Manager is required to attend all meetings of the Council unless excused therefrom by the Council or the Mayor,

At Issue

Rule 1

A1 Roberts Rules

See Rewritten section below

F7 for emergency purposes and only with the unanimous consent of all members of Council present.

D3(b) If both the Mayor and the President of the Council are absent from the meeting consisting of a quorum of the council, a councilor may call the meeting to order at the appointed time and a majority of those present may elect a mayor pro tem for that meeting. If the mayor or council president joins the meeting, they shall then conduct the meeting.

Gi Items Removed from Consent Agenda. Any item removed from the Consent Agenda will be discussed and voted on at this time;

I5 Appointments to committees must not be placed on the consent agenda.

L,M Substitute with the language read for quasi-judicial hearings

Rule 2

H2 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.

H4 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.

H5 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

A2c one subject for ordinance

A4 covered by Charter

B2b Resolutions approved by City Attorney

B4e Roll call vote.

Rule 4

A2 is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding

A3 no person may speak more than once without obtaining permission from the Presiding Officer.

A6 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

B5c

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

Rule 5

C3 The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate

DG The unanimous vote of all members of Council present is required to approve the matters on a consent agenda

DI An emergency ordinance requires the unanimous vote of all Council members present

DM 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

Rule 7

B violate Charter. Manager appointed by Mayor with consent of Council

B1 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.

C Same as B

C1 Annual Review of Judges

D3b No Governance Committee

Rule 8

C2. Councilors may state their personal opinion in their official office and must declare as such

D5b See C2

Rule 9

A3 Councilors should not contact city staff unless direct to do so by the City Manager

A4 Councilors need to share with council information germane to pertinent issues coming to council

B2, 3 See A3

Rule 10

A What city ordinances?

Rule 11

Rule 12

B1,2 No Stipend in lieu of insurance

C only one Technology Stipend for multiple terms

E1 GSA Per Diem may be inadequate

E5d,e delete

Not Addressed

Placing a Work Session Agenda Item

Placing Resolutions on the Agenda

Rewritten

Rule 1

1A Council meetings should be orderly and conversations should be respectful, thoughtful, and courteous. Discussion of action items should begin with a motion and a second of the motion. Without a second the motion dies and discussion does not begin. When recognized by the chair, discussion should be to the motion and directed to the chair, to avoid person to person debate. When the discussion is completed, the chair should ask for a vote on the motion. A majority of the council quorum present is required for the motion to pass. Any councilor may offer an amendment to the motion before the vote. If the maker of the motion and the second agree, a vote on the amendment is not required. When an amendment is approved, it will be voted upon prior to the motion on the action item.

L,M Substitute with the language read for quasi-judicial hearings

Deleted

EXHIBIT A

CITY OF HAPPY VALLEY CITY COUNCIL RULES

A. AUTHORITY

City Charter Section 10 requires the Council to by resolution adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

B. DEFINITIONS As used in these Rules, the following mean:

1. City Committees: All City committees, commissions, task forces, and advisory bodies.
2. Council and Council members: The Mayor, the Council President, and the Councilors.
3. Councilors: The Council President and the Councilors.
4. Mayor: The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

C. COUNCIL MEETINGS

1. Regular Meetings to conduct Council business will be held as needed.
2. Work Sessions to develop city policy will be held each month. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Manager in consultation with the City Council.
3. Special Meetings may be called by the Mayor, Council President in the absence of the Mayor or by a majority of the Council.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes will be taken as provided by the Oregon Public Records law.
6. Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council

meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings.

D. AGENDA

1. The agenda headings for Council business meetings are generally as follows:

- a. CALL TO ORDER
- b. PLEDGE OF ALLEGIANCE
- c. ROLL CALL
- d. APPEARANCE OF INTERESTED CITIZENS
- e. PRESENTATIONS & REPORTS
- f. CONSENT AGENDA
- g. PUBLIC HEARINGS
- h. CITY MANAGER REPORT
- i. COUNCIL CONCERNS & COMMENTS
- j. ADJOURNMENT

2. The City Manager will prepare and schedule agenda items. Council members may request that items be placed on an agenda. Council members may make agenda suggestions at any Council meeting or by communication with the City Manager. Council members will make best efforts to reach consensus on agenda items and should obtain staff input before requesting an agenda item. Agendas will generally be set to allow meetings to end no later than 10:00 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.

E. COUNCIL DISCUSSIONS AND DECORUM

1. Council members will conduct themselves so as to bring credit upon the city government, ensuring non-discriminatory delivery of public services, keeping informed about matters coming before the Council and abiding by Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey ruling of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks, or impugn the motives of any speaker.

3. The following ground rules will be observed to maintain order and decorum during Council discussions:
 - a. Council members will gather necessary information and ask questions of city staff before meetings.
 - b. Council members will have an opportunity to speak once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
 - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
 - d. During public meetings, Council members will not attempt to edit or revise prepared ordinances. Amendments to proposed ordinances may be appropriate, but input from the City Manager or the City Attorney will be sought to accomplish the Council members' objectives.
 - e. Council members will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
 - f. Council members will focus on city issues and avoid becoming involved in "extra-territorial" issues.
 - g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.
 - h. Council members will not disguise statements as questions or use repetitions as a way to convince others.
 - i. Council members will keep discussions moving and call for a "process check" if the Council becomes bogged down in discussions.
 - j. Council members will set and adhere to time limits on discussions.
 - k. Council members will refrain from criticizing or attacking each other, city staff or other persons.
 - l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.

4. Public Comment.
 - a. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
 - b. During public hearings, all public comment must relate to the matter under discussion and addressed to the Mayor.
 - c. In general, Council members 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 on a future agenda.

F. COUNCIL MEETING DECORUM

1. The following conduct is disruptive and cause for removal of any person from a council meeting:
 - a. Loud or abusive language, noise or conduct that obstructs the conduct of the council meeting,
 - b. Violent or distracting actions,
 - c. Damage to personal or city property, or
 - d. Refusal to obey an instruction from the mayor or presiding officer or decision of the council.
2. The mayor or presiding officer must warn a person to cease the disruptive conduct before ordering removal of the person from the council meeting.
3. If a council meeting is disrupted by members of the audience, the mayor or presiding officer may order the council chambers cleared.
4. The mayor or presiding officer has the authority to preserve order at all council meetings, remove any person from any meeting for disorderly conduct, and enforce the council rules. The mayor or presiding officer may command the assistance of a police officer to restore order at any meeting.

5. After a motion has been made or after a public hearing has been closed, no public member may address the council without the permission of the council.

G. MOTIONS

1. General.
 - a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.
 - b. The motion maker, Mayor, or City Recorder should repeat the motion prior to voting.
 - c. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.
 - d. Discussion of a motion is open to all Council members who wish to address the motion. A Councilor must be recognized by the Mayor before speaking.
 - e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflict of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion.
 - f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes should do so briefly and succinctly.
2. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.
3. Tie. A motion that receives a tie vote fails.
4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.

5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds' vote. Debate may continue if the motion fails.
7. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.
8. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

H. COUNCIL MEMBER CONDUCT

1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:
 - a. Whether the statement reflects personal opinion or is the official position of the City; and
 - b. Whether the statement is supported by a majority of the Council.

If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.
2. Censure.
 - a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.
 - b. The Council may investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a

substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

I COUNCIL MEMBER USE OF SOCIAL MEDIA

1. On social media platforms, council members are encouraged to exercise caution when commenting on municipal affairs. While using social media, City Council members are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
 - a. According to 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 such situations.
 - b. A public record created through a Council member'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, or seek other assistance from the City for retention if the individual Councilor does not wish to do so himself or herself.
 - c. The digital decorum of elected and appointed officials will be governed by City Council Rules. Consistent with these rules, Council members will conduct themselves so as to bring credit upon the City government, ensuring non-discriminatory delivery of public services. Councilors shall abide by section S(3) in all social medial activities.
2. 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 section S(3) of these rules.

J. CONFIDENTIALITY

1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is

not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.

2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules.

K. COMMUNICATION WITH STAFF

1. Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
 - a. Working with the staff as a team with a spirit of mutual respect and support.
 - b. Except in a Council meeting, not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of city licenses and permits. However, the sharing of ideas on these matters is appropriate.
 - c. Limiting individual contacts with city staff to the City Manager so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the City Manager authority or prevent the full Council from having benefit of any information received.
 - d. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
2. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information.
3. The Mayor will refer any comments or questions regarding city personnel or administration to the City Manager. The Mayor may redirect other questions to a Council member or the City Manager, as appropriate. Council members may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

L. MINUTES

1. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:
 - a. The name of Council members and staff present;
 - b. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
 - c. The result of all votes, including ayes and nays and the names of the Council members who voted.
 - d. The substance of the discussion on any matter.
 - e. Reference to any document discussed at the meeting.
2. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, Council members should read and submit any changes, additions or corrections to the City Recorder so that a corrected copy may be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.
3. The City Recorder or designee will make an audio recording of all meetings except for executive sessions. The City Recorder will maintain custody of all tapes, but a Council member may obtain a copy of any tape. A Council member may obtain a meeting transcript or partial transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval. The City Recorder is authorized to produce transcripts as required by law.

M. ADJOURNMENT

1. Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.
2. Upon the request of a Council member a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:
 - a. When made as an interruption of a member while speaking; or
 - b. While a vote is being taken.

N. BIAS AND DISQUALIFICATION

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.
2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.
3. If the Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

O. EX PARTE CONTACTS AND DISQUALIFICATION

1. For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts may be either oral statements when other interested

parties are not present, or written information that other interested parties do not receive.

2. If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether the member will participate or abstain.
3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

P. GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission

Q. LEGAL ADVICE

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Manager to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique/sensitive personal, yet City business-related, requests.

R. ROBERT'S RULES

Robert's Rules of Order Revised will be used as the guideline for conduct of Council meetings, except where these Rules specifically apply.

S. COMMISSIONS, COMMITTEES, ORGANIZATIONS & MEDIA

1. Citizen Appointment and Removal.
 - a. The Mayor will appoint the City commissions and committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.
 - b. Council members will encourage broad participation on City commissions and committees by generally limiting the number of terms a citizen may serve.
 - c. A citizen may not serve on more than two City commissions and committees simultaneously. Any citizen serving on two City commissions and committees may not be chairperson of both simultaneously. This limitation does not apply to service on the city budget committee.
 - d. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.
2. Council Member Participation. Council members shall encourage City committee member participation.
3. Organizations, Media.
 - a. If the Mayor or a Council member represents the City before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that it does not express the Council position.
 - b. Council members should obtain the appropriate permission before representing another Council member's view or position with the media.

T. MANAGER EVALUATION

1. Criteria. The standards, criteria, and policy directives used in the evaluation of the Manager will be adopted at a regular Council meeting in accordance with state law.
2. Process.
 - a. The Manager will prepare a written assessment identifying major accomplishments.
 - b. Council members may make written comments in response to the Manager assessment.

- c. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.
 - d. At evaluation sessions, Council summary comments and individual Council member comments will be made. The Manager will have an opportunity to respond to all comments. The effect of the evaluation on the Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the Manager.
 - e. Council members will then complete their individual evaluations and convene to discuss overall evaluation of the Manager and reach a consensus.
 - f. Council will then reconvene with the Manager to review final performance evaluation and discuss compensation.
3. Contract. The City Attorney will prepare any employment contract amendments to the Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting.

U. COUNCIL EXPENSES

1. Reimbursement. Council will follow the same rules and procedures for reimbursement as city employees.
2. Budget. Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by city staff during a public meeting.

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 17-01**

A RESOLUTION AMENDING THE COUNCIL GROUNDRULES AND SUPERSEDING RESOLUTION NO. 15-02.

WHEREAS, the Council Groundrules were reviewed and updated on January 13, 2015, with the adoption of Resolution 15-02; and

WHEREAS, newly elected officials and mid-term elected officials reviewed the groundrules during a special council meeting held November 29, 2016; and

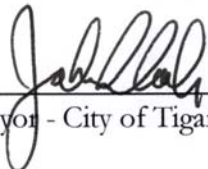
WHEREAS, the City Council determined at the November 29, 2016 meeting that updating of the groundrules was desired.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Council Groundrules as outlined in Exhibit A represent the agreement of the Mayor and City Councilors and is hereby adopted.


SECTION : This resolution is effective immediately upon passage.

PASSED: This 3rd day of January 2017.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

Tigard City Council Groundrules

The Tigard City Council hereby adopts the following rules for government of its members and proceedings. (Tigard City Charter, Chapter IV, Section 13). These rules will be reviewed and signed off on by each councilor annually.

1. **Mandates** are not discretionary. Any council or councilor who fails to abide by these is at risk of serious trouble and/or dysfunction.
2. **Processes and Procedures** are the rules the council sets to manage its own business.
3. **Mutual Expectations** reflect agreements and understandings among councilors to behave in certain ways. Once agreements are made, councilors who do not abide by them are likely to be mistrusted by their colleagues.
4. **General Guidelines for Effective, Respectful Councils** are basic rules of courtesy and respect that should guide any Council...or any other group for that matter.

1. Mandates

- In no case should councilors direct the work of staff. Take issues to the city manager first, giving as much information as possible to ensure a thorough response.
- Council members will not contact a board member to lobby on behalf of an individual, business or developer. Council members may contact the board member in order to clarify a position taken by the board. Council members may respond to inquiries from board members. Communications should be for information only.
- Board members do not report to individual council members. Individual councilors have no authority to remove board members.
- Be aware of the public nature of written notes, calendars, voicemail messages, and e-mail. All written or recorded materials including notes, voicemail, text messages and e-mail created as part of one's official capacity will be treated as potentially "public" communication.
- Respect the professional duties of city staff. Council members should refrain from disrupting staff from the conduct of their jobs; participating in administrative functions including directing staff assignments; attending staff meetings unless requested by staff; and impairing the ability of staff to implement policy decisions.
- ORS 244.025 prohibits any public official to solicit or receive any gift of \$50 or more from anyone reasonably known to have a legislative or administrative interest.
- ORS Chapter 244 governs conflicts of interest among Councilors and requires disclosure of all potential or actual conflicts of interest prior to that Councilor's participation in the matter. Councilors with actual conflicts of interest shall not participate in the decision except when allowed by law. Councilors with concerns or questions regarding conflicts of interest are encouraged to contact the Oregon Government Ethics Commission or city attorney.
- Protect confidential information concerning litigation, personnel, property, or other affairs of the city.
- Use public resources, such as staff time, equipment, supplies or facilities, only for city-related business.

- A council member may be censured by the other council members for misconduct, nonperformance of duty or failure to obey the laws of the federal, state, or local government.

2. Processes and Procedures

Ending Time for Council Meetings

- The chair or other members if the chair fails to remember may call for a point of order at or around 9 p.m. to review remaining agenda items. The council may reset or reschedule items, which it feels may not be reached prior to the regular time of adjournment.
- The council's goal is to adjourn prior to 9:30 p.m. unless extended by majority consent of council members present. If not continued by majority consent, the meeting shall be adjourned to the next scheduled meeting or the meeting shall be continued to another regular or special meeting at another date and time.

"Citizen Communication"

- The "Citizen Communication" portion of the agenda is a regular feature on the council business meetings. To manage the agendas to allow council time to consider the remaining agenda items scheduled for the business meeting, this agenda item will be allotted a maximum of 20 minutes. This item will be placed near the beginning of the council agenda to give citizens a chance to introduce a topic to the City Council. The mayor or the council president (if the mayor is absent) may ask speakers to keep their remarks to about two to five minutes. If a large number of speakers have signed up, the mayor might ask speakers to keep their comments closer to two minutes.
- At the conclusion of the Citizen Communication period, the mayor, a council member or staff member will comment what, if any, follow-up action will be taken to respond to each issue. At the beginning of Citizen Communication at the next business meeting, staff will update the council and community on the review of the issue(s), the action taken to address the issue, and a statement of what additional action is planned. Council may decide to refer an issue to staff and/or schedule the topic for a later council meeting.

Budget Decisions

- Budget cuts or increases are policy decisions. Budgets will not be cut "piece meal" or "across the board," but rather should be made in service or program areas, giving staff full opportunity to provide data clearly defining the anticipated impact of the action.

Council Liaisons

- Council liaison assignments are determined by consensus of City Council. The goal is to have assignments evenly divided between council members. When making assignments consideration should be given to continuity and the background, experience and expertise of individual councilors. Should two or more Council members seek appointment to a position, preference of the longest serving Council member may be a consideration.
- The role of the council liaison is to periodically attend board meetings, listen to the board discussion, set context for the board regarding council decisions/goals/policies and city priorities, answer questions and carry concerns and information to report back to the full council. Council liaisons may attend board meetings more frequently if attendance is requested

by the board. Councilors should make their role clear to the board when attending a meeting as a council liaison.

- Council liaisons are not to direct the business or decision-making process of the board and do not vote of matters before the board.
- Council liaisons do not initiate, propose or advocate for their personal position on a matter before the board.
- Council liaisons at times may advocate council actions on behalf of their assigned board. Great care must be taken to avoid the appearance of unfairness, conflict of interest or circumstances where such possibilities may exist (e.g., Planning Commission quasi-judicial matters).
- Council liaisons are expected to represent the city positively and promote constructive relationships with community volunteers and city partners. Failure to maintain positive relationships can result in the removal of a Councilor from committee assignments.

City Council Compensation

Section 2.44.020 of the Tigard Municipal Code provides for compensation for attendance at Council meetings and meetings for an intergovernmental board, committee or agency. The amount of the compensation for Council members may be reviewed and set annually by resolution of the City Council as part of the budget cycle. As part of the annual review, Council may elect to enter into an agreement with the Mayor or one City Councilor to assume additional responsibilities for additional compensation. The additional duties shall relate to representing the city on regional, state or federal issues and committees or task forces. The responsibilities and compensation shall be set by agreement between the Mayor or Councilor and the Council members. (Mayor Cook will serve as provided in Resolution No. 10-36: “The annual stipend for the Mayor shall be no more than \$42,000. It is the expectation of the City Council that the assignments given to the Mayor, over and above usual and customary assignments... (Described in Section 6 of Res. 10-36... will require an average of twenty (20) hours each week during business hours.”)

3. Mutual Expectations

Communication among Councilors

- Information received by a council member that affects the council should be shared with the whole council. The city manager is to decide on “gray areas,” but too much information is preferable to too little.
- Councilors and the city manager agree to report and discuss any contact that might affect labor relations with the entire council in Executive Session.
- No surprises or ambushes.
- Bounce ideas off each other by phone or informal conversation, always mindful not to form a quorum.
- Share substantive information that is relevant to a matter under consideration from sources outside the public decision-making process with my fellow council members and staff.
- It is the council’s job to govern itself. If a discussion is going overly long or if a discussion becomes heated or tense, a council member may consider calling for a point of order to suggest taking a break or deferring the discussion to a future meeting.

- The presiding officer should invite each councilor to express his or her opinion.

Communication with Staff

- Councilors are encouraged to avoid substantive contact with staff below the department head to avoid possible disruption of work, confusion on priorities and limited scope of responses.
- City manager shares information equally with councilors.

Communication with Boards and Commissions

- Council members may attend any board meeting, which is open to any member of the public. However, council members should be sensitive to the way their participation could be viewed as unfairly affecting the process.

Communication with Other Public Agencies

- Council members will be clear about representing the city or personal interests. If a council member appears before another governmental agency or organization to give a statement on an issue, the council member must clearly state whether the statement reflects personal opinion or is the official position of the city.
- If a council member is representing the city on a board, committee or at a public meeting, that council member will consistently support and advocate the city's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official city position.

Communication on Behalf of the City or the Council

- Do not provide the official response to communications directed to the full council. The city manager or mayor will coordinate the response on behalf of the city. It is appropriate for councilors to acknowledge receipt of communication and thank the sender.
- It is the policy of the council that if councilors are contacted regarding labor relations during labor negotiations or conflict resolution proceedings, then councilors have no comment.
- Communication that represents the city's position on an issue should come through city hall and be provided by the city manager. Direct submittals or inquiries to the council or individual councilors should be referred to the city manager, or councilors may ask the city manager to look into an issue.
- Make no promises on behalf of the council in unofficial settings. Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit promises of specific action or promises that city staff will take a specific action are to be avoided.

Use of Electronic Communications Devices During Council Meetings

- Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before the council during a council meeting.

4. General Guidelines for Effective, Respectful Councils

- Recognize that you are seen as a councilor at all times, no matter how you see yourself at any particular time. Thus, councilors are always treated by administration as council members.
-

- Whenever you put anything in writing, assume that everyone in the city is looking over your shoulder.
- If a communication is directed to an individual councilor, you may choose to respond as an individual or refer to the city manager.
- Councilors are encouraged to maintain open communications with the city manager, both as a group and individually.
- Councilors are encouraged to take issues to the city manager first, giving as much information as possible to ensure a thorough response. In the absence of the city manager, councilors are encouraged to contact the assistant city manager. In the absence of both the city manager and the assistant city manager, councilors are encouraged to contact the department head, realizing that the department head will discuss any such inquiries with the city manager.
- Communicate clearly, directly and respectfully. Focus on problems and solutions, not people.
- Our goal is mutual confidence and respect with staff. Compliment staff members when they make good presentations. Be friendly. Attend staff occasions when you can.
- Be courteous.
- Honestly share concerns and opinions with each other.
- Don't blurt it out on TV.
- If you hold back in a meeting, follow up later with fellow councilors or the city Manager.
- Spend some casual time together.
- Practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democratic governance. This does not allow, however, council members to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.
- Avoid personal comments that are intended to, or could reasonably be construed to, offend other members or citizens. If a council member is offended by the conduct or remarks of another member, the offended member is encouraged to address the matter early with the offending member.
- Continue respectful behavior in private. The same level of respect and consideration of differing points of view deemed appropriate for public discussion should be maintained in private conversations.
- Even private conversations can have a public presence. Council members should be aware that they are the focus of the public's attention. Even casual conversation about city business, other public officials or staff may draw attention and be repeated.
- Understand proper political involvement. Council members, as private citizens, may support political candidates or issues but such activities must be done separate from their role as a council member.
- Be welcoming to speakers and treat them with respect by giving them full attention demonstrated by eye contact and active listening; avoid interrupting them with questions or comments. For many citizens, speaking in front of the council is a new and difficult experience.
- Council members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful and professional.
- Be honest with fellow council members, the public and others.

- Credit others' contributions to moving our community's interests forward.
- Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.
- Review materials provided in advance of the meeting.
- Make every effort to attend meetings.
- Be prepared to make difficult decisions when necessary.
- Contribute to a strong organization that exemplifies transparency.
- Make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the city.
- Promote meaningful public involvement in decision-making processes.
- Treat council members, board members, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- Conduct myself in a courteous and respectful manner at all times.
- Encourage participation of all persons and groups.



CITY OF TUALATIN COUNCIL RULES

Adopted _____

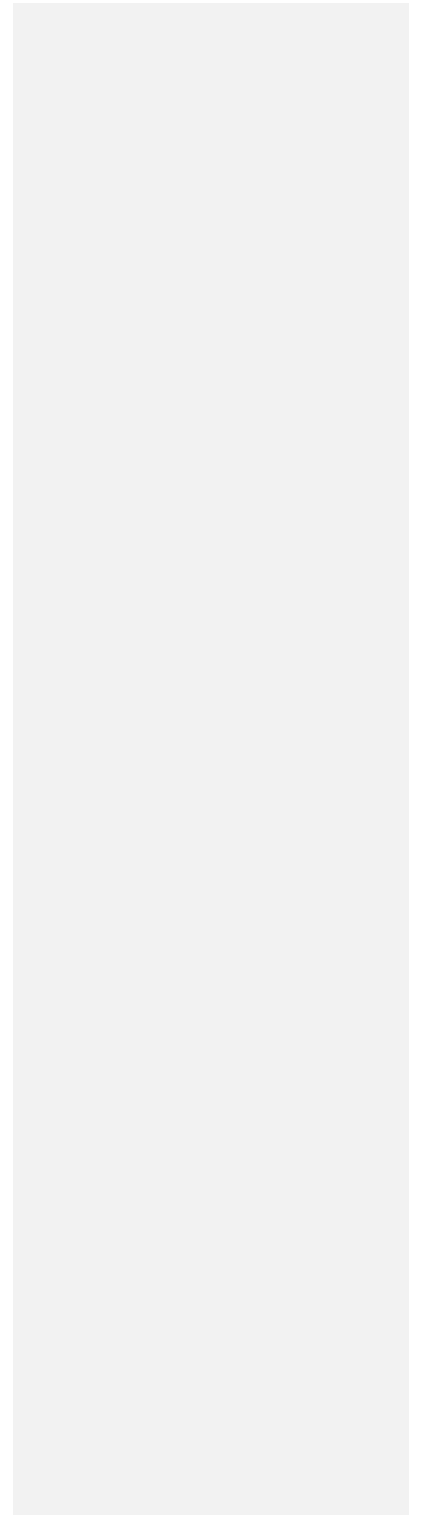


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RULE 1 General Governance

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. ~~To maintain orderly procedures, M~~members of Council ~~should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate and deliberations. 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. Action items are debated and deliberated upon a motion with a second. Motions are approved by a majority vote of the members present when there is a quorum of the council. Dissenting votes are reported by name.~~
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 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.

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 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~~ may be utilized to determine the Presiding Officer for the meeting:²
 - a. ~~The City Recorder, or designee, must~~ Any present member may call the Council to order ~~and call the roll of the members of Council.~~
 - b. Those members of Council present ~~should~~ must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the ~~incumbent~~ members present 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 ~~should~~ 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 ~~may be permitted to~~ participate in any discussion when recognized by the presiding officer; 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 ~~should~~ must prepare an agenda for every meeting, including regular, special, and executive session meetings.

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.

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.
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 ~~should~~**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 ~~should~~**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 the presiding officer~~**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;

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

- g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy 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 ~~should~~ 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. ~~4.~~ Appointments to committees should 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 should 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

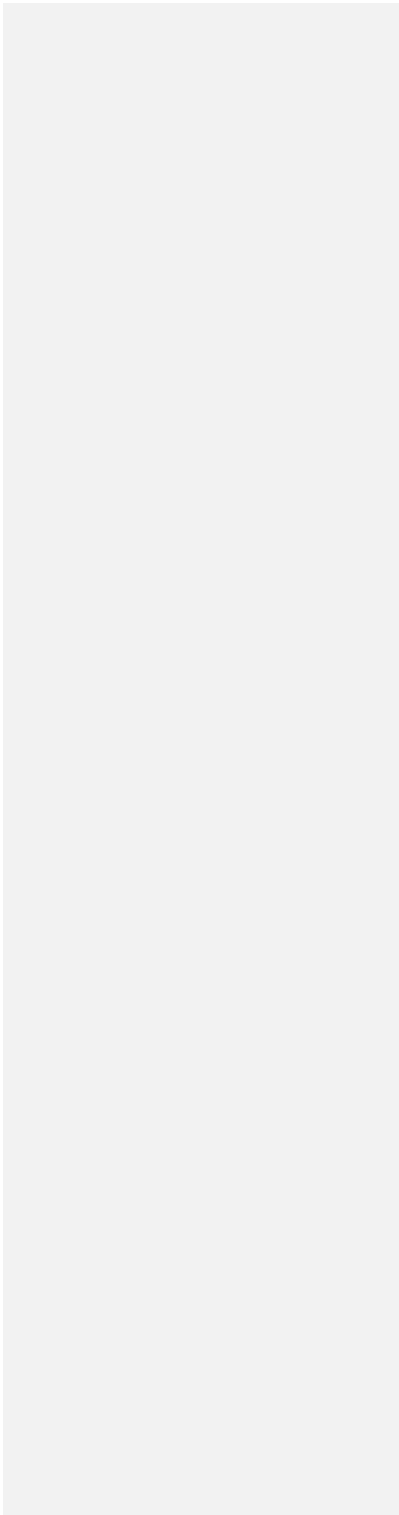
residence. All remarks must be addressed to the Council as a body and not to any member thereof.

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 ~~should~~ 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~~ ing 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 ~~should~~ 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.~~
- ~~11.10.~~ 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.
- ~~11.11.~~ 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, 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

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RULE 2 Meeting Time, Location, and Frequency

A. Regular meetings. The Council will generally 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, and may provide notice to 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 should~~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 should~~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. Members of the media are not to report the issues discussed during the executive session.
 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.

5-6. Members may request an item to be placed on a work session agenda during communications of work sessions or business meetings. A majority of the council is generally required to place the item on a future work session agenda.

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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 ~~should~~ 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.~~

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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.~~

~~3.1. **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.~~
- ~~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.~~

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⁵ This process is outlined in Charter Section 35.
CITY OF TUALATIN COUNCIL RULES

- 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.~~

~~3.1.~~ **Introduction.**

- a. Resolutions ~~should~~**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 disclosure 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 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~~ A majority vote of a quorum ~~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~~ a majority of a quorum vote of ~~the 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 ~~majority of a quorum~~ 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 ~~a quorum~~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.~~

~~2-1. **Removals.** The City Manager may be removed by a majority vote of the entire Council.~~

C. Municipal Judge. The Mayor, with consent of 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.~~

~~2-1. **Removals.** All appointed judges may be removed by the mayor with consent~~a majority vote~~ of the entire Council.~~

~~3-2. **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. The member may state

[their personal opinion being clear that they are not speaking for the council or making official policy statements on behalf of the City.](#)

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. ~~Preclude~~Limiting individual inquiries and requests for information from staff unless directed to do so by the City Manager 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 when it involves an action item on a council agenda. 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 a quorum](#) 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 Councilor 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 initial 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.** Members of council may be reimbursed for normal expenses incurred while carrying out their official duties at usual and customary rates. Councilors should use prudence in the expenditures. 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.~~

1.
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 midsizesecompact rate.

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- 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 reasonable and customary 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 and reasonable personal 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~~reasonable and customary rates 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 generally not be given for that meal without proper cause. 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.~~

~~3-1. 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.d.~~ 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 aide 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 ~~in a timely manner 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, event may is required to~~ give an oral or written documentation ~~of the event 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.~~

QUASI-JUDICIAL HEARINGS

APPEAL OF SUBDIVISION DECISION – CITY COUNCIL

The State Legislature requires the following information to be read: [ORS 197.763(5) and (6) and ORS 197.796(3)(b)].

1. The City Council conducts a hearing on an appeal of a Subdivision Recommendation Decision pursuant to TDC 31.077. The applicant must provide evidence substantiating that all requirements of this Code relative to the proposed use are satisfied and that the proposed use also satisfies the following criteria:
 - a. The proposal is consistent with allowable uses and other requirements of the planning district.
 - b. The transportation improvements for the proposed development conform with TDC Chapter 11, Transportation.
 - c. The domestic water service to be provided conforms with TDC Chapter 12, Water Service.
 - d. The sanitary sewer service to be provided conforms with TDC Chapter 13, Sewer Service.
 - e. The storm drainage system to be provided conforms with the standards adopted by the Department of Environmental Quality and City requirements.
 - f. The development, as proposed, conforms with TDC Chapter 36, Subdividing, Partitioning and Property Line Adjustments and TDC Chapter 74, Public Improvement Requirements.
 - g. The improvements to serve the proposed subdivision will be constructed in accordance with Public Works Construction Code (Ordinance No. 444-78, as amended).
2. Testimony and evidence must be directed toward the above criteria or those criteria in the Development Code which you believe apply to this decision.
3. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing.
4. Unless there is a continuance, before the conclusion of the initial evidentiary hearing a participant may request, before the hearing is closed, that the record remain open for at least seven days after the hearing.
5. 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.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Council to respond to the issue precludes an action for damages in circuit court.

Continued on next page

6. The hearing will begin with a presentation of the City staff report followed by testimony on behalf of the applicant and supporters of the applicant. Next follows the evidence of the appellant and those who oppose the Subdivision Recommended Decision. Rebuttal will then be permitted. After evidence is received the hearing will be closed and the Council will deliberate towards a decision. Any tentative decision will be reduced to a final written decision and adopted by the Council, usually at its next meeting.
7. If any Council members wish to announce any potential conflict of interest, bias or ex parte contact, they should do so now.