



# CITY OF COOS BAY CITY COUNCIL MEETING

November 6, 2012 – 7:00 p.m.

Council Chambers – 500 Central Avenue – Coos Bay, Oregon

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- 1) Flag Salute
- 2) Public Comments
- 3) Consent Calendar
  - a) Approval of the minutes of October 16, 2012
  - b) Approval of an Intergovernmental Agreement (IGA) allowing reimbursement for law enforcement services
- 4) Review of Wind Energy Conversion Systems
- 5) Discussion on Priorities of City Ordinances
- 6) Consideration of Award of Contract for Wastewater Treatment Plant #2 Pre-Design
- 7) Review of the Animal Control Ordinance for Special Permits
- 8) Review of Current Residency Requirements for City Committees, Boards, and Commissions
- 9) Consideration of Approval of Amendments to the Rules of the City Council for the City of Coos Bay – Approval will Require Adoption of Resolution 12-23
- 10) City Attorney's Report
- 11) City Manager's Report
- 12) Council Comments
- 13) Adjourn

All citizens addressing the City Council under regular agenda items or public comments are required by City Council Rule 4.8.4 to sign-in on the forms provided on the agenda table and podium.

If you require a listening enhancement device please contact the City Recorder.  
Please silence electronic devices – Thank you.

## **MINUTES OF THE PROCEEDINGS OF THE CITY COUNCIL**

**October 16, 2012**

The minutes of the proceedings of a regular meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 7 p.m. in the Council Chambers at City Hall, 500 Central Avenue, Coos Bay, Oregon.

### **Those Attending**

Those present were Mayor Crystal Shoji and Councilors Jennifer Groth, Jon Hanson, Stephanie Kramer, Gene Melton, and Mike Vaughan. Councilor John Muenchrath was absent. City staff present were City Manager Rodger Craddock, City Attorney Karen Costello, Finance Director Susanne Baker, Economic Revitalization Administrator Joyce Jansen, Public Works and Development Director Jim Hossley, Library Director Sami Pierson, Fire Chief Stan Gibson and Police Chief Gary McCullough.

### **Flag Salute**

Mayor Shoji opened the meeting and asked Collin Maya to lead the Council and assembly in the salute to the flag.

### **Public Comments**

No comments were given.

### **Consent Calendar**

Mayor Shoji reviewed the consent calendar which consisted of 3a: approval of the minutes of October 2, 2012; 3b: acceptance of September 2012 accounts payable and payroll check registers; 3c: acceptance of the September 2012 combined cash report; 3d: acceptance of a DUII Traffic Safety Enforcement Grant; and 3e: acceptance of a Safety Belt Enforcement Grant. Councilor Melton moved to approve the consent calendar which consisted of approving the minutes of October 2, 2012, accepting the September 2012 accounts payable and payroll check registers, accepting the September 2012 combined cash report, accepting a DUII Traffic Enforcement Grant, and accepting a Safety Belt Enforcement Grant. Councilor Kramer seconded the motion which carried with Mayor Shoji and Councilors Groth, Hanson, Kramer, Melton, and Vaughan voting aye. Councilor Muenchrath was absent.

### **Review of the Empire Business District Design Standards**

Public Works and Development Director Jim Hossley stated at the February 21, 2012 Council meeting staff was directed to proceed with revising the design standards for the Empire business district area. In March 2012 the City contracted with John Morgan of the Morgan CPS Group, Inc. to develop clear and objective standards and a two-prong approach for review of applications. On September 3, 2012 the City received draft design standards from Mr. Morgan which focused on creating administrative review standards for the first prong portion of the application review. Mr. Morgan proposed the first prong would be evaluated by staff prior to approving a building permit; it would be "yes" and "no" questions for elements such as: window styles, size and placement, door locations, color pallet, siding, or roofing materials. Mr. Hossley



## **City Council Minutes – October 16, 2012**

noted the Mr. Morgan's proposed process met the clear and objective test as required by Oregon law.

Mr. Hossley stated the second prong would be for applicants proposing new buildings or would be deviating from the clear and objective standards for reasons such as the location of the building, unique use, a creative idea, etc. The applicant would be required to advocate for their project design before the Design Review Committee and the Planning Commission. Discussion commenced regarding the progress to date on the first prong, Mr. Morgan's timeframe for completion, and the desire to have a more thorough draft by December for the Planning Commission to review.

### **Review of the Parks Master Plan Survey**

Public Works and Development Director Jim Hossley stated in late 2011 the Parks Commission requested City staff to upgrade the existing Parks Master Plan. In early 2012, City staff created a paper and online Parks Master Plan survey and advertised the survey through local media sources. The Parks Commission established zones for commissioners to actively communicate and promote the survey in the community. Mr. Hossley stated though there were not as many survey respondents as desired, 80% who did respond felt that parks were important; the opportunity to enjoy the outdoors was the most selected answer; and a dog park was the most requested new park. Information from the survey would be provided to the Parks Commission to formulate recommendations on policy for the Council to consider for approval. Discussion commenced on the various levels of parks within the city limits; maintenance of the parks; and consideration to be given to be able to maintain existing parks versus establishing new parks.

### **Consideration of Approval of Amendments to the Rules of the City Council for the City of Coos Bay – Approval Would Require Adoption of Resolution 12-23**

City Manager Rodger Craddock stated the current Council Rules were adopted by Resolution 00-40. On March 6, 2012 a Charter/Rule Making Advisory Committee was formed and comprised of Mayor Shoji, Councilors Kramer and Muenchrath. The committee met four times over the last four months to review the Coos Bay City Charter, current Coos Bay Council Rules, and various council rules from other jurisdictions. Mr. Craddock advised the Charter/Rule Making Advisory Committee were recommending the following changes to the current Council Rules: reformatting the Council Rules to be consistent with the City Charter; adding an a section for authorization, amendment, waiver; rules for calling an emergency meeting; censor; updated the order of the agenda as currently being conducted; clarification on how to place an item on the agenda; Councilor Groth suggested the interaction with staff, Section 4(4) two hour rule should be made consistent throughout the document; minimum votes required; Council liaison role defining; clarifying role of Council when interacting with staff. Consensus was to send the policy back to the advisory group for clarification on items and adopt a resolution at another meeting. Councilor Groth suggested staff provide the ordinances with the demographic requirements of each committee for consideration to change in order to broaden the pool of possible candidates.

### **City Attorney's Report**

City Attorney Karen Costello sat in for Nate McClintock, no comments were given.

## **City Council Minutes – October 16, 2012**

### **City Manager's Report**

City Manager Rodger Craddock provided a disk containing the completed Timber Management Plan and stated the State of Oregon Building Codes Division would be relocating in the near future from Coquille to Coos Bay City Hall.

### **Council Comments**

Councilor Kramer encouraged everyone to vote. Councilor Hanson was pleased with the City Hall rededication ceremony and was impressed with staff. Councilor Vaughan stated the fundraising kick-off for the Egyptian Theater Association was successful and the Surf Riders Foundation held a fundraiser, Stand-Up for the Bay. Councilor Melton was pleased with the information received at the League of Oregon Cities. Mayor Shoji recognized Council candidate Dennis Dater and suggested historical, pre-European development pictures be displayed at City Hall.

### **Adjourn**

There being no further business to come before the Council, Mayor Shoji adjourned the meeting. The next regular Council meeting was scheduled for November 6, 2012 in the Council Chambers at City Hall.

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Crystal Shoji, Mayor

Attest:

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Susanne Baker, City Recorder

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

<b>MEETING DATE</b> November 6, 2012	<b>AGENDA ITEM NUMBER</b>
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TO: Mayor Shoji and City Councilors

FROM: Rodger Craddock, City Manager

ISSUE Approval of Intergovernmental Agreement Allowing for Reimbursement for Law Enforcement Services

**BACKGROUND**

Personnel from the Coos Bay Police Department have participated in and supported the enforcement activities of the South Coast Interagency Narcotics Team (SCINT) since its inception in 1988. Over the past three decades, detectives from the Coos Bay Police Department have been routinely assigned to SCINT as narcotics detectives. Generally those assignments have been funded out of the Police Department's budget.

Over the years, various personnel from the Oregon State Police and the Coos County Sheriff's Office have served as SCINT's director. Funding of the Director of SCINT has been through a combination of contributing agency and grants funds. Currently Captain Mitts, CBPD, is serving as the Director of SCINT. Coos County has secured grant funds to assist in funding SCINT's enforcement activities and the attached IGA between Coos County and the City of Coos Bay allows for partial reimbursement (nearly 72%) of Captain Mitts employment costs while assigned as the director of SCINT.

**ADVANTAGES**

The IGA provides for partial reimbursement to the City which allows the City to retain previously budgeted general fund dollars for future use.

**DISADVANTAGES**

None

**BUDGET**

The IGA provides for a monthly reimbursement of \$8,512.93 while Captain Mitts is assigned as the director of SCINT.

**RECOMMENDATION**

It is recommended that the Council approve the IGA with Coos County for Law Enforcement Services.

**INTERGOVERNMENTAL AGREEMENT FOR LAW ENFORCEMENT SERVICES  
COOS COUNTY SHERIFF'S OFFICE**

This Intergovernmental Agreement is entered into on the last date set forth below, between Coos County, a political subdivision of the State of Oregon, by and through its Board of Commissioners, hereafter "County" and the City of Coos Bay, a municipal corporation, by and through its City Manager, hereafter "City";

WHEREAS County received from the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS), a grant dated 12/16/2009, in the amount of \$500,000.00 and from the U.S. Department of Justice, Bureau of Justice Assistance a grant dated 07/01/2012 in the amount of \$600,000.00; and

WHEREAS, City's employee Captain Cal Mitts will be assuming the position of director of the South Coast Interagency Narcotics Team (hereafter "SCINT") effective November 1, 2012; and

WHEREAS, County desires to distribute a portion of the grant funds to the City to subsidize the costs incurred by the City related to the employment of Captain Mitts during the period of time that Captain Mitts is the SCINT director;

NOW THEREFORE, County hereby agrees to allocate the amount of \$8,512.93 a month from said grant funds to the City under the following terms and conditions:

1. Grant

- A. County agrees to reimburse City the total amount of \$8,512.93 a month as partial payment for the costs incurred by City in providing Captain Mitts as the SCINT director. Such payments shall begin on November 1, 2012, and shall continue on a monthly basis until such time as Captain Mitts is no longer the SCINT director, or the grant funds are expended.
- B. Coos Bay will provide/assign Captain Mitts to act as the director of SCINT effective November 1, 2012.
- C. The parties acknowledge that the actual costs to the City related to Captain Mitts employment is \$11,708.11 a month. In the event the County is able to secure additional grant funding for the costs associated with the SCINT director, the parties agree that they may amend this agreement to provide for additional payments from the County to the City to further reimbursement the City for such employee costs.

2. Indemnity

- A. Subject to the limitations of the Oregon Tort Claims Act, City hereby agrees to defend, indemnify and save harmless Coos County, its elected officials, employees, agents, and volunteers, against any and all loss, damage, liability, claims, demands, or costs resulting from injury or harm to persons or property (including, without limitation, City's employees or property) to the extent arising out of or in any way connected with the negligent performance of City employees or agents under this Agreement.
- B. Subject to the limitations of the Oregon Tort Claims Act, Coos County hereby agrees to defend, indemnify and save harmless City, its elected officials, employees, agents, and

volunteers, against any and all loss, damage, liability, claims, demands, or costs resulting from injury or harm to persons or property (including, without limitation, Coos County's employees or property) to the extent arising out of or in any way connected with Coos County's negligent performance under this Agreement.

3. Third Party Beneficiaries. County and City are the only parties to this Agreement. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right whether directly, indirectly or otherwise, to third persons.
4. Funds Available and Authorized: Payments. City understands and agrees that County's obligation to make payments to City is contingent upon County's receipt of adequate grant funds from the U.S. Department of Justice. In the event that grant funds actually received are less than the total amount requested by County, County may terminate this Agreement effective upon written notice to the City without penalty or further liability.
5. Records Maintenance: Access. City shall maintain all fiscal records relating to this Agreement in accordance with generally accepted accounting principles. In addition, City shall maintain any other records pertinent to this Agreement in such a manner as to clearly document City's performance. City acknowledges and agrees that County and the federal government and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of City that are pertinent to this Agreement to perform examinations and audits and make excerpts and transcripts. City shall retain and keep accessible all such fiscal records books, documents, papers, plans, and writings for a minimum of three (3) years after the completion of the aforementioned grants from the U.S. Department of Justice, or such longer period as may be required by applicable law, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later.
6. Compliance with Applicable Law. City shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Work under this Agreement. City shall comply with all applicable state, county and municipal standards for licensing, certification and operation of required facilities, shall maintain any applicable professional license or certificate required to perform the services described in this Agreement, and shall comply with any other standards or criteria described in this Agreement.
7. Termination.
  - A. This Agreement may be terminated at any time by mutual written consent of the parties.
  - B. The County may terminate this Agreement, in whole or in part, in its sole discretion, upon 30 days written notice to the City.
  - C. The County may terminate this Agreement, immediately upon notice to City, or at such later date as County may establish in such notice, upon the occurrence of any of the following events:
    - (a) County fails to receive funding, or appropriations, limitations or other expenditure authority at levels sufficient to cover reimbursement costs under this Agreement;
    - (b) Federal or state laws, regulations or guidelines are modified or interpreted in such a way

- that either the grant under this Contract is prohibited or the County is prohibited from paying the costs from the planned funding source; or
- (c) City commits any material breach or default of any covenant under this Agreement, and such breach, default or failure is not cured within 10 business days after delivery of County's notice.

8. Amendments. Any changes or deviations from the terms of this Agreement shall not be valid unless and until they have the prior written approval of the parties. Funds will not be provided for activities which deviate from the terms of this Agreement.
9. Severability. If any portion of this contract is illegal, void, or otherwise found by a Court to be unenforceable, the offending provision shall be severed from the contract and the remaining provisions shall remain enforceable and full effect.

IN WITNESS WHEREOF the parties have executed as of the date and year first written above.

CITY OF COOS BAY, OREGON,  
a Municipal Corporation

BOARD OF COMMISSIONERS OF  
COOS COUNTY, OREGON

By: \_\_\_\_\_  
Rodger Craddock, City Manager  
500 Central Avenue  
Coos Bay, OR 97420  
541-269-8912

By: Fred R. Messerle  
Fred Messerle, Chair

By: Cam Perry  
Cam Perry, Commissioner

Date: \_\_\_\_\_

By: Bob Main  
Bob Main, Commissioner

APPROVED AS TO FORM:

Coos County Courthouse  
Coquille, OR 97423  
541-396-7500

\_\_\_\_\_  
City Attorney

Date: 10/30/12

APPROVED AS TO FORM:

Josh Lopez  
County Counsel

CITY OF COOS BAY

Agenda Staff Report

MEETING DATE November 6, 2012	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Jim Hossley, Director of Public Works and Development Department  
Laura Barron Planning Administrator

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**ISSUE** PLANNING COMMISSION RECOMMENDATION ON WIND TURBINES

On September 11<sup>th</sup> and October 9<sup>th</sup> the Planning Commission held work sessions on the concept of wind turbines in the city. After lengthy discussions, the Planning Commission recommends that wind turbines not be allowed in the city limits. If a significant proposal were presented, the issue may be reconsidered. The Planning Commission felt that wind turbines are not appropriate in the city.

Staff has created a preliminary draft Ordinance based on the model Ordinance from Astoria that was developed, through State grant funding, for the purpose of wind energy conversion systems.

**DISCUSSION**

Discussion centered on the following issues:

- Our living environment is one of our greatest assets. This type of development belongs in the County, for example, on the North Spit, away from urban density development where negative impacts, such as noise, flicker, viewscales, etc., are the most probable.
- The industrial/commercial-zoned land in the city is generally located along or near arterials which are usually on the lower elevations. Regardless of the zoning, these areas are often adjacent to residential areas.
- To function, wind turbines must be tall and unobstructed. The general rule for the placement of a wind turbine is that the rotor of a wind turbine be located 30 feet above any obstacle (rooftop, mature tree, etc.) for a distance of 500 feet radius, in order for a wind turbine to be effective. The higher the pole, the less obstructions and the greater efficiency for the turbine.

A widely-used practice for a turbine setback is the total height of the turbine (the pole plus the length of the blade at its highest point). This means that a 50-foot-high turbine with a 10 foot blade would need to setback from the property line, right of way, above ground utility lines, etc., a distance of 55 feet. The rapidly changing topography of our urban area does not appear to be conducive to the effective use of a wind turbine. A turbine at 25 feet in height would likely not be effective because of likely obstacles causing wind turbulence.

- The Planning Commission believes in "green energy"; however, realizing that "sound" is a subjective term, they also agree that wind turbines are not "passive" energy. Technology for wind energy conversion systems is constantly changing/improving, but at this time the Planning Commission does not consider it as appropriate development for the urban living environment.

## **OTHER INPUT**

### **Energy Trust of Oregon**

On October 2, 2012, staff had the opportunity to speak with Chris Dearth of the Energy Trust of Oregon (ETO). Mr. Dearth stated that to be eligible for state incentives the tower for the turbine must be a minimum of 70 feet in height and, generally, on one (1) acre of land. Incentives are based on estimated energy production.

### **On-line Survey**

Staff has had a survey regarding wind turbines on our web site since September 12, 2012. To date we have had about 150 responses. To us this is not an adequate response in which to draw any conclusions. A copy of the survey results is attached.

## **BUDGET**

No budgetary impact to tonight's actions.

## **RECOMMENDATION**

If the Council is so inclined, and based on the Planning Commission's recommendation, consider the following options:

- Postpone work on ordinance provisions for wind energy conversion systems in the city; or,
- Schedule a joint work session with the Planning Commission to discuss moving forward with an ordinance; or,
- Prepare a draft ordinance for wind energy conversion systems that are a maximum of 20 feet in height as described in the attached Summary (micro wind energy facility).

## **ATTACHMENTS**

- A – One-page summary of preliminary ordinance for small-scale wind energy systems;
- B - Planning Commission Minutes of September 11, 2012 and draft Minutes of October 9, 2012;
- C - Planning Commission memorandums for September 11 and October 9, 2012;
- D - Survey results as of October 29, 2012; and,
- E - Preliminary draft Ordinance.

Factsheet\2012\windenergyPCrecommend



## SUMMARY: SMALL SCALE WIND ENERGY SYSTEM

The purpose of this Chapter is to oversee the permitting of small scale wind energy systems to protect public health and safety, and preserve the environmental, historic and aesthetic qualities of the City without significantly increasing the cost or decreasing the efficiency of a small wind energy system.

The proposed ordinance defines a small-scale wind energy system as less than 70 feet in height with a rotor blade of less than 22 feet (380 square foot swept area). Approval of a conditional use is required for all small-scale wind energy systems which may be permitted in all zoning districts. Standards include location, height, setbacks, noise, impacts on viewscales, and, a performance bond which would be released when the facility is operational. If the wind energy system is mounted on a building it must not extend more than 15 feet above the height of the building to which it is attached and must be within the allowable height of the zone, e.g., 35 feet maximum in the residential zone.

A micro wind energy facility is, by definition, also a "small scale" wind energy system. If the system is less than 20 feet in height it is a micro wind energy system. A micro wind energy system may be reviewed as an Administrative Conditional Use but may be subject to the same standards as a facility taller than 20 feet in height. It must be located on the structure it generates the power for and there must be adequate documentation available for other factors that could create negative impacts to nearby property, such as noise and flicker. An engineering report is required documenting that the structure that the facility will be attached/mounted to is sufficiently strong to support the system and to withstand the wind, vibration and other loads to which it would be subjected.

In addition to the Variance criteria currently set forth in the Municipal Code, additional Variance options are proposed for height, setbacks and noise. No height Variance may be granted for a facility on a single-family dwelling or duplex or within a residential zone. The maximum height for residential zones is 35 feet.

Standards are proposed for the removal of a wind energy system that is out-of-service for a continuous 12-month period or that has reached the end of its useful life. The facility must be physically removed no more than 90 days from the date of abandonment or discontinuation of use and the site restored to the state it was in before the facility was constructed.

A wind facility, other than a micro wind facility, is proposed to be prohibited in the following locations: sites, districts or places listed as cultural resources or included on the National Register, or within the streetscape of the neighborhood where the resource is located; sites regulated by the Coos Bay Estuary Management Plan (generally, this is a minimum of 100 feet from the shoreline); and, within 100 feet of any sensitive or endangered species designated by the Oregon Department of Fish and Wildlife without written permission from that agency. ///

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**CITY OF COOS BAY**  
**PLANNING COMMISSION WORKSESSION MINUTES**  
**Tuesday, October 9, 2012 at 6:00 P.M.**  
**Coos Bay City Hall, 500 Central Avenue, Coos Bay**

**ATTENDANCE**

**COMMISSIONERS:** Chairman Christine Coles Commissioners, Jim Berg, Bruce Harlan, Chris Hood, Jeff Marineau, Phil Marler and Danny Stoddard

**ABSENT:** Commissioner

**STAFF:** Laura Barron, Planning Administrator  
Debbie Erler, Planner 1

**SIGNED-IN GUESTS:** None

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Laura Barron summarized the September Planning Commission work session. She stated the four Commissioners in attendance felt that wind turbines should not be placed in an urban area such as Coos Bay. They voiced concern that the technology is not to the point where the wind turbines are both efficient and non-intrusive for residences in an urban area. They stated our living environment is one of our biggest assets. They indicated that our topography consists of hills covered with houses with a view of the industrial lands. They concluded that wind turbines do not belong within the City. Mrs. Barron stated scientifically the best sites for wind turbines are where the wind is least obstructed with the blades at least 30-feet above any obstruction (rooftop, trees, etc.) within 500-foot radius. She added that if wind turbines will be allowed there needs to be some standards to regulate the placement to protect surrounding property. Mrs. Barron stated the City has asked for public input using a "Monkey Survey". She said only 130 people completed the survey (which is not a very good representation) and 90 percent were in favor of allowing the wind turbines in Industrial-Commercial zones (I-C). She said the Industrial-Commercial (I-C) zones are along the Hwy 101 corridor and along Coalbank Slough and some sites along Ocean Blvd. and Newmark Avenue. She said we are looking for a recommendation from the Planning Commission to the City Council on whether or not to move ahead with regulations for wind turbines. Mrs. Barron stated she compiled the base information for the draft ordinance from information available from the Astoria's model ordinance (which has not been adopted by Astoria) and input from Shannon Sonja from Sol Coast, who made some suggestions.

Chairman Coles stated she has talked with a couple individuals who have large development wind farms and they said wind turbines should be located outside the urban area due to the high amount of noise.

Commissioner Marineau stated he has property with views of the industrial zone and he is not interested in having wind turbines in the residential view scape. He said there are other places more suited for wind turbines like the North Spit.

Commissioner Berg stated if we don't want wind turbines in the urban area and we don't really want to look at wind turbines, then we don't need an ordinance.

Commissioner Harlan stated his concern is that someone is going to order something out of a magazine and install it on their roof or in their back yard. He said the City needs an ordinance prohibiting wind turbines or regulating them.

Jim Hossley stated the City currently has a moratorium on wind turbines. He presented a Power Point presentation outlining the classes/scales of wind turbines. He stated the utility scale is over 30 megawatts and is intended to contribute to the power source and could be over 260-feet in height; mid-size 100 kilowatts to 30 megawatts which are smaller in size; and then there are the small scale wind turbines. He said if someone came in with a large subdivision (for example 100 to 200 lots) they may want one of these to be a "Green Community". The photos on the Power Point showed how the small scale wind turbine compares in height to a house, flag pole and a person. He said the average single-family dwelling uses 10,000 Kilowatts hours per year (830 per month). He stated a one and an half Kilowatt wind turbine could meet the needs of a home requiring 300 Kilowatts per month (which is a third of what a single-family dwelling requires) with an annual average of 14 mile an hour wind speeds. He said that in Coos Bay we average 7 to 8 miles per hour wind speed. He said you need to get the sweep of the rotors above the turbulence (generally 30-feet about trees and hills within 500 feet). There are some wind turbines that take advantage of the turbulence. The higher you get the above the turbulence the higher your return. Mr. Hossley showed a video from inside a house that is 700-feet from a wind turbine and how the "flicker" (blinking created from the sun hitting the blades) can create a problem. He said the noise could be similar to the sounds of a refrigerator. He said a number of issues need to be considered location, height, setback, visual impact, noise, structural integrity, etc.

Mrs. Barron stated we need an ordinance that either prohibits or regulates wind turbines.

Commissioner Marineau stated he has seen wind turbines on the roof of a new twenty-story apartment building and they were not out of place with that development. He does not like the idea of having wind turbines in the City.

Commissioner Hood stated wind turbines are not a passive energy source. He said solar energy is passive and there are other methods that are passive alternatives.

Commissioner Marineau stated that back in the 70's a contractor installed a wind turbine in two locations and they worked for a couple years then stopped and they set there for years.

Commissioner Harlan stated that he talked to Dave Parameter about the wind turbines they installed and they saved about six dollars a month on the electric bill. He said they had vibration problems and other negative issues.

Commissioner Hood stated he does not want Coos Bay to a guinea pig. He said in time the technology will change and at that time we can revisit the issue.

Commissioner Marler stated he would be in favor of specifically prohibiting wind turbines. If at a later date things change and technology changes we could change the code.

Chairman Coles stated maybe we should take additional comments from the public. Commissioner Marler stated he heard radio announcements that the meeting was being held tonight and that anyone interested in providing input was encouraged to attend, and no one showed up.

Mr. Hossley stated the public would have another opportunity to speak before the City Council. He said if the City Council determines they want to proceed with an ordinance they will send it back to the Planning Commission.

Commissioner Hood stated that often when someone is opposed to something they show up and if they are in favor of something they stay home.

Commissioner Marler stated if the City Council wants the Planning Commission to create an ordinance (to prohibit or to allow in limited area) they need to give us that direction.

Commissioner Berg stated the wind turbines we have seen so far are not something we would want 100-feet from our homes. Maybe technology will change in the future that would make them more appropriate in an urban environment, but not at this time.

Commissioner Marineau stated the watershed may be a good site because it is less visible and is far enough from residences to not create a noise problem. He added that he does not think any other site in Coos Bay would be appropriate.

Commissioner Harlan stated he has not seen a wind turbine in a residential zone.

Commissioner Stoddard said Head Start talked about putting a wind turbine on their property on Thomas Avenue.

Mrs. Barron stated that if the City is going to allow wind turbines on any level an ordinance is needed to regulate the placement.

**MOTION:** Commissioner Marler – Recommend the City Council specifically prohibit wind turbines in the City of Coos Bay at this time based on current information, technology, our dense population, topography, view scapes and the uniqueness of the Coos Bay area.

**SECOND:** Commissioner Marineau  
**DISCUSSION:** The Planning Commission discussed issues that need to be considered include Coos Bay's population/density, topography and viewsapes which are unique to this area. They stated the industrial lands in Coos Bay are flat and residential lands are on hills that look down onto the industrial lands. The Planning Commission discussed other locations such a development would be an option and that included off-shore and on hills in undeveloped areas. Commissioner Marler stated Coos Bay is quiet and un-intrusive and that is one of the things that draw people to the area. He said placement of wind turbines would affect the quality of life.

**VOTE:** Unanimous

**ADJOURNMENT** 7:20 p.m.

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Chris Coles, Chairwoman  
City of Coos Bay  
Coos County, Oregon

**ATTEST:** 

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Debbie Erler, Planner 1, City of Coos Bay

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**CITY OF COOS BAY**  
**PLANNING COMMISSION WORK SESSION MINUTES**  
**Tuesday, September 11, 2012**  
**6:00 P.M. Coos Bay Library, 525 Anderson Avenue, Coos Bay**

**ATTENDANCE**

**COMMISSIONERS:** Commissioners Jim Berg, Bruce Harlan, Phil Marler and Danny Stoddard

**ABSENT:** Chairman Christine Coles, Commissioners Chris Hood, Jeff Marineau

**STAFF:** Laura Barron, Planning Administrator  
Debbie Erler, Planner 1

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**DISCUSSION ON WIND ENERGY CONVERSION SYSTEMS**

Laura Barron stated that about a year ago the City Council directed staff to research issues related to the placement of wind turbines. At that time Astoria had a grant to develop an ordinance that would regulate the placement of the systems in coastal communities. A draft ordinance was completed, but Astoria has yet to adopt the draft ordinance.

Mrs. Barron stated a survey has been developed with questions regarding the interest in the wind systems and the level of regulation the public feels is needed. Notice of the survey will go out on public service announcements and the survey will be placed on the City's web site.

Bruce Harlan asked if anyone is currently interested in placing a wind turbine. Mrs. Barron stated no one has asked about wind turbines in about two years. She stated there is currently a moratorium in place to allow the City time to research the positive and negative effects of placement and to consider regulations.

Mrs. Barron stated that Community Action was considering a wind turbine on the new campus. She stated a wind study should be conducted prior to the placement of any wind energy equipment. She added that at this time she does not know if there are funds or incentives available for placement. She stated the wind turbines are expensive and you don't want to have them placed around town and then find they are not effective or efficient and have them abandoned, but not removed.

Commissioner Berg asked if there is a demand or need at this time, or are we just getting the regulations in place in case there is a need in the future. He stated if there is a demand he thinks a utility like Pacific Power should be leading this issue. He said we could wear ourselves out creating policies for something that is not practical.

Commissioner Stoddard stated there is a big push for green technology and there are tax credits and grants available. He said there is a local company that is doing a lot of grant writing and lobby for Federal funds to bring this technology to our area.

Commissioner Harlan stated he would like to see an installed, functioning wind turbine. He said there is a lot of difference between something on paper and an actual structure. He asked if there is an example of a working wind turbine that could be viewed and studied. He said the City needs to review information on the effectiveness compared to the cost and compared to other green energy options, such as solar that should also be reviewed. Mr. Harlan suggested the City or another agency install a wind turbine at a test site then review the information/results before they are permitted all over the city.

Mrs. Barron stated she believes someone in Bunker Hill may have a wind turbine and knows a lot about wind turbines. She stated that is the kind of information the City hopes to receive as a result of the survey. She asked if wind turbines belong in the densely-populated urban area like Coos Bay, or should they be placed in a less populated area such as the County. She said that is the purpose of the survey.

Commissioner Berg stated at first he thought we needed them everywhere and now he thinks we need to look into this further. He said there was a "wind farm" near Whiskey Run Beach a number of years ago. He said it was a bad idea that did not work. He asked if such a development makes sense for the City of Coos Bay.

Commissioner Stoddard stated there needs to be a policy in place to regulate any future placement. He asked if other communities are dealing with this issue at this time.

Commissioner Berg stated he has talked with people that are interested, but do we (the City) have enough information to make a decision or recommendation. Mrs. Barron stated at this time we do not have enough specific information. She stated she is concerned that people are going to buy a kit and install the wind turbines, then find it does not work on their property and they abandon the structure, but they don't remove the structure.

Commissioner Marler stated the ordinance would have language that the structure must be maintained in working order, but how will the City regulate that requirement to insure the wind turbines remain maintained and operable. Mrs. Erler stated the public usually reports a violation if they know something is not in compliance. Commissioner Marler asked if the owner could be required to submit maintenance records every three years that verify the structure is in good working order. He said that way the City can regulate the maintenance. He said technology is changing every day. Mrs. Barron stated as technology advances our ordinance would need to be revised and updated.

Commissioner Berg stated there does not seem to be the demand at this time (empty audience) and he wonders if we should even be considering wind turbines at this time. He doesn't think we have enough information at this time or enough reason to develop an ordinance. He thinks the power provides need to conduct a study.

Commissioner Harlan stated someone (an agency) needs to install a wind turbine and a study needs to be conducted (based on the wind) to determine where they would be effective. He stated there are areas in Coos Bay that a wind turbine would not even make sense because of the lack of wind, including his back yard.

Commissioner Stoddard stated the proposed document is general enough to be helpful, which is a good idea. He stated the ordinance could be refined as new information is received and we have some experience. He said he thinks that because of the cost, it will be agencies placing the structures.

Commissioner Marler stated he likes that there is not a variance option to the setback in the residential zone. Commissioner Berg stated there is always a reason for a variance, like using the undeveloped right of way in the setback. Mrs. Barron stated as the ordinance is proposed, a variance in a residential zone would not be an option.

Commissioner Marler asked if a Conditional Use Permit would be required for all wind turbines. Mrs. Barron stated unless the proposal is for a "Micro Turbine," which is under 20-feet in height, it could be done administratively. She said the applicant would need to meet all the standards, including noise and location. She stated you would also need to post a bond that would be returned when the building permit is finalized.

Commissioner Marler stated that maybe the city should only allow the wind turbines in commercial zones. He added that if the use has to be so regulated because we are worried about the noise, height, abandonment/removal and the danger if they fall should we even allow them in the City.

Commissioner Berg stated if the technology is not there to make them practical, people will not install them and it will be self-regulating.

Commissioner Stoddard stated if the City is going to allow the wind turbines, then we want to have rules to help protect abutting properties.

Commissioner Berg stated maybe they should only be allowed in industrial zones. Commissioner Marler stated abutting property owners would be more forgiving on a commercial property.

Commissioner Marler stated even properties in excess of 800-feet may have their views affected. He said his house is on North 12<sup>th</sup> Terrace and he can see houses on Telegraph Hill which are well over 800-feet away. He said for every minute he is sitting in his living room, he could see a wind turbine spin on Telegraph Hill. He is concerned that people that are affected may not get notice of the proposal, because they are outside the notice area. He stated that "flicker" could also be a problem for those owners. Mrs. Barron stated that maybe the City should increase the notice area.

Mrs. Barron stated we are in a dense urban area. She asked if wind turbines are something that should even be allowed.

Commissioner Marler questioned the noise level issue. He said if someone installs a wind turbine that is within the noise levels, then a neighbor installs one and then another neighbor installs one. Is it the individual noise level or the accumulated noise level that cannot be exceeded?

Commissioner Stoddard stated it is clear we have concerns and we need regulations. He said the proposed ordinance has concrete regulations to help regulate when and where they are installed.

Commissioner Berg stated the operation of wind turbines in residential zones should not be permitted until we know more about them. He said until we have enough data to have an effective ordinance and until we know more about the operation, the use should not be permitted anywhere in the City. Commissioner Harlan agreed.

Mrs. Barron asked if the Planning Commission is indicating that we don't have enough information or knowledge to regulate wind turbines in the City.

Commissioner Stoddard asked about the current moratorium. Mrs. Barron stated a couple years ago a couple commercial property owners were asking about placing wind turbines on their property (Wal-Mart, Community Action, and Boat Building Center). The City did not know enough about the effects the wind turbines would have on the community so they adopted a moratorium until we could determine if they were appropriate in the City.

Commissioner Harlan stated we need to have better information on what we would be allowing (appearance, height, color, noise etc.). He said nothing that we know at this time makes sense for Coos Bay.

Commissioner Marler stated that as dense as we are in the City he doesn't think wind turbines are a good idea. The impact on resident's view is tremendous and the issue is way too complex at this time. He said that until we have more specific information and there is a demand for wind turbines within the City the moratorium should remain in place.

Commissioner Harlan stated solar is available and it is quiet. He said wind turbines belong on a mountain top not in neighborhoods.

Mrs. Barron stated we either need to keep the moratorium or we need an ordinance that prohibits wind turbines or that regulates wind turbines. The Planning Commission determined that at this time they recommend wind turbines not be allowed in the City of Coos Bay. Mrs. Barron stated the City may put in the Coos Bay Municipal Code that wind turbines are prohibited.

**ADJOURNMENT**      7:20 p.m.

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Bruce Harlan, meeting Chairman  
City of Coos Bay  
Coos County, Oregon

ATTEST:      

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Debbie Erler, Planner 1, City of Coos Bay

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# City of Coos Bay

## Public Works & Development Dept.

500 Central Ave., Coos Bay, Oregon 97420 • Phone (541) 269-1181

Fax (541) 269-8916

October 2, 2012

### MEMORANDUM

TO: PLANNING COMMISSION  
FROM: Laura Barron, Public Works and Development Department  
RE: Wind Energy Conversion Systems

At the end of the work session on September 11, 2012, the consensus among Planning Commissioners was that wind turbines should not be sited in an urban area such as the City of Coos Bay. Commissioners voiced concern that the technology for turbines is not to the point of being both efficient and non-intrusive for an urban area where our living environment is one of our greatest assets and, the topography of the city, consisting of hills covered and surrounded by residences and strips of commercial/industrial development along major transportation routes, is not conducive to the effective use of a wind turbine. We are bringing this issue back to the Commission for further discussion and *a formal recommendation to the City Council.*

The best sites for turbines are those where the wind is least obstructed, which is often the highest point on a property. The bottom of the turbine rotor should clear the highest wind obstacle (rooftop, mature tree, etc.) within a 500 foot radius by at least 30 feet. Doing so ensures the turbine reaches consistent, fast wind speeds and prolongs the life of the turbine by avoiding stressful air turbulence. Regardless, it is likely landowners, investors, leasees may consider installing wind turbines. Therefore, we should consider having regulations in place to minimize any negative impacts that may occur.

We are proposing draft standards for the city that will require review of the following:

- Location
- Setbacks from neighboring property
- Noise standards
- Height limitations
- Abandonment procedures
- Variance options

Attached for your review and Planning Commission discussion are draft standards for wind turbines in the city. Also, a reminder that a survey is in place on the city's web site ([www.coosbay.org](http://www.coosbay.org)) regarding wind turbines in the city. Results of the survey thus far are attached.

Thanks.

Attachment: Draft standards; survey results  
PCwindenergy10-9

C-1



# City of Coos Bay

## *Public Works & Development Dept.*

500 Central Ave., Coos Bay, Oregon 97420 • Phone (541) 269-1181  
Fax (541) 269-8916

September 4, 2012

### MEMORANDUM

TO: PLANNING COMMISSION  
FROM: Laura Barron, Public Works and Development Department *LB*  
RE: SEPTEMBER 11, 2012 WORK SESSION: Wind Energy Conversion Systems

Attached for your review is a draft ordinance for wind energy conversion systems for the city of Coos Bay. The bullets listed below are items for discussion, although there may be many other discussion points:

- Draft 17.287.020, Definitions: Micro wind energy system is defined to be less than 20 feet in height. The total height is the vertical distance from the ground to the tip of the blade at its highest point. Refer to 17.287.60, a micro wind energy facility may be approved outright if it complies with certain criteria;
- A "small scale wind energy system", per 17.287.020, must be less than 70 feet in height, with a rotor blade of less than 22 feet. (For reference, the Tioga Hotel is about 100 feet high.) Per the Energy Trust of Oregon (ETO), the minimum tower height is 60 feet. This would leave 10 feet for the blades. The ETO has set forth technical standards to represent best practices for system performance and longevity (i.e., less likely to be abandoned); and, meeting the technical standards is a requirement for system owners to receive cash incentives from Energy Trust.
- Draft 17.287.030, Prohibited locations, prohibits a wind facility, other than a micro wind facility in the following areas:
  - Sites, districts or places listed as a cultural resource or in the National Register of Historic Places, or within the streetscape of the neighborhood where the resource is located;
  - Sites regulated by the Coos Bay Estuary Management Plan; and,
  - Within 100 feet of any sensitive or endangered species designated by the Oregon Department of Fish and Wildlife without written permission from that agency.

Also, attached for your review is a list of questions that will be put on the City's web site for public input. The issue is scheduled to be reviewed by the City Council on October 2, 2012.



Attachments: Draft Ordinance; Wind Turbine Survey

Memos/2012/Pcwindenergy9-11



*C-2*

Agenda Item #4



## 1. Should the City of Coos Bay allow wind turbines?

		Response Percent	Response Count
Yes		88.7%	133
No		11.3%	17
answered question			150
skipped question			0







## 2. Do you think wind turbines/towers/farms would destroy the "looks" of the city?

		Response Percent	Response Count
Yes		15.4%	23
No		84.6%	126
answered question			149
skipped question			1

## 3. Should the location of wind turbine systems be limited to certain areas?

		Response Percent	Response Count
Yes		66.2%	96
No		33.8%	49
answered question			145
skipped question			5



#### 4. What location would be ok for a wind turbine system?

		Response Percent	Response Count
Schools		51.1%	69
Parks		34.8%	47
Along the Bay		64.4%	87
Along Hwy 101		68.1%	92
Private Residence		63.7%	86
Commercial/Industrial Property		95.6%	129
answered question			135
skipped question			15

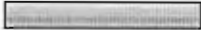

#### 5. Where would a wind turbine system not be ok?

	Response Count
	85
answered question	85
skipped question	65



#### 6. Would it matter to you how tall a wind turbine system was?

		Response Percent	Response Count
Yes		38.4%	56
No		61.6%	90
answered question			146
skipped question			4



**7. Would it matter to you if a wind turbine system was located in your viewscape?**

		Response Percent	Response Count
Yes		30.1%	44
No		69.9%	102
answered question			146
skipped question			4



**8. Should a structure-mounted wind turbine system that projects up to 15 feet above the roofline of a structure be permitted in residential districts?**

		Response Percent	Response Count
Yes		62.9%	90
No		37.1%	53
answered question			143
skipped question			7



**9. Should a structure-mounted wind turbine system that projects up to 15 feet above the roofline of a structure be permitted in commercial/industrial districts?**

		Response Percent	Response Count
Yes		89.0%	129
No		11.0%	16
answered question			145
skipped question			5



**10. Should a small-scale tower-mounted wind turbine system up to a height of 60 feet be permitted in residential districts?**

		Response Percent	Response Count
Yes		52.7%	78
No		47.3%	70
answered question			148
skipped question			2


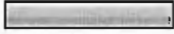

**11. Should a medium-scale tower mounted wind turbine system up to a height of 100 feet be permitted in residential districts?**

		Response Percent	Response Count
Yes		37.0%	54
No		63.0%	92
answered question			146
skipped question			4

**12. Should a medium-scale tower mounted wind turbine system up to a height of 100 feet be permitted in commercial/industrial districts?**

		Response Percent	Response Count
Yes		82.9%	121
No		17.1%	25
answered question			146
skipped question			4

### 13. Where do you currently live?

		Response Percent	Response Count
City of Coos Bay		43.2%	64
City of North Bend		25.7%	38
Other		31.1%	46
answered question			148
skipped question			2

### 14. Further Comments

	Response Count
	68
answered question	68
skipped question	82

**Q5. Where would a wind turbine system not be ok?**

1	Parks, schools and public sights	Oct 21, 2012 6:11 PM
2	Whe	Oct 15, 2012 4:49 PM
3	Any property used for residential, recreation, any type of gathering place. There is a lot to be considered before placing wind turbines.	Oct 12, 2012 9:31 AM
4	IN THE CITY LIMITS!	Oct 11, 2012 2:52 PM
5	Public places where they would endanger people	Oct 10, 2012 8:48 PM
6	Public places where they would endanger people	Oct 10, 2012 8:48 PM
7	Residential zone, schools zone, view scapes	Oct 10, 2012 11:29 AM
8	near homes	Oct 10, 2012 10:12 AM
9	Public safety agencies	Oct 9, 2012 7:33 PM
10	Allowing the use with a conditional use permit to look at specific criteria such as location and height would give a place for review or inappropriate locations	Oct 9, 2012 1:38 PM
11	migratory bird flyways	Oct 9, 2012 10:40 AM
12	blocking view	Oct 8, 2012 5:54 PM
13	Where it might be dangerous.	Oct 8, 2012 1:53 PM
14	houseing areas	Oct 7, 2012 7:40 PM
15	directly on 101 hwy	Oct 1, 2012 2:02 AM
16	On private property that did not want the system.	Sep 28, 2012 8:06 PM
17	in my pool	Sep 28, 2012 2:21 PM
18	Parks and schools	Sep 27, 2012 1:52 PM
19	Along the Bay	Sep 25, 2012 4:50 PM
20	Where they would disturb sensitive ecosystems over long term.	Sep 25, 2012 10:39 AM
21	In an area where it could damage/interfere with natural resources/wildlife such as birds, or limit the activities/access of the public. It also should not interfere with neighboring properties.	Sep 24, 2012 10:45 PM
22	Nothing too high next to homes	Sep 24, 2012 5:36 PM
23	Schools or downtown	Sep 23, 2012 12:52 PM
24	Residential and landscape areas	Sep 22, 2012 6:47 PM
25	Where there is not much wind.....	Sep 22, 2012 4:21 PM



**Q5: Where would a wind turbine system not be ok?**

26	Parks and on beaches.	Sep 21, 2012 6:26 PM
27	Parks, especially along the beaches	Sep 21, 2012 5:23 PM
28	I need to know more to make an opinion	Sep 21, 2012 5:20 PM
29	nowhere	Sep 21, 2012 5:12 PM
30	Scenic areas	Sep 21, 2012 3:02 PM
31	Near an urban renewal district	Sep 21, 2012 10:37 AM
32	They should be everywhere, we need better power options and to reduce dependency on foreign oil	Sep 21, 2012 7:40 AM
33	Coos Bay and North Bend	Sep 20, 2012 8:01 PM
34	Where it could be a potential hazard	Sep 20, 2012 9:27 AM
35	Schools, unless funds are made available for education; parks and wildlife areas where turbines can cause wildlife deaths.	Sep 20, 2012 9:10 AM
36	Within City Residential areas.	Sep 20, 2012 8:32 AM
37	THE MIDDLE OF TOWN TOURIST AREAS.	Sep 19, 2012 10:53 PM
38	downtown, parks, lower levels of hospitals, etc.	Sep 19, 2012 7:26 PM
39	?	Sep 19, 2012 4:53 PM
40	Endangering wildlife	Sep 19, 2012 4:26 PM
41	I know there are some but can not think of any at present.	Sep 19, 2012 3:35 PM
42	parks	Sep 19, 2012 3:13 PM
43	Where it would impact peaceful Life of the citizens, such as near private homes, in areas where noise is a sensitive issue; and also along corridors frequented by birds. Definitely some provision should be made for the protection of birds.	Sep 19, 2012 1:11 PM
44	in town	Sep 19, 2012 1:02 PM
45	When its location creates a hazard.	Sep 19, 2012 12:23 PM
46	all over	Sep 19, 2012 11:48 AM
47	along hwy 101	Sep 19, 2012 11:40 AM
48	anywhere dangerous for birds and humans. noise needs to be abated	Sep 19, 2012 9:56 AM
49	any tourist areas	Sep 19, 2012 8:18 AM
50	There isn't any place I can think of where a turbine would not be ok.	Sep 19, 2012 12:20 AM

**Q5. Where would a wind turbine system not be ok?**

51	Residential neighborhoods, unless made to fit into the greenery(like cell towers in Medford)	Sep 18, 2012 9:19 PM
52	Downtown. Put them where the most wind blows!!	Sep 18, 2012 9:34 AM
53	along the libby area - do not cut trees down to make it happen. Whiskey Run beach would be perfect.	Sep 18, 2012 9:27 AM
54	downtown locations	Sep 17, 2012 4:17 PM
55	parks	Sep 17, 2012 3:42 PM
56	parks	Sep 17, 2012 1:13 PM
57	Anywhere the turbines wake stream would interfere with residences or asthetically harm beaches and tourist areas.	Sep 17, 2012 12:29 PM
58	Downtown	Sep 17, 2012 10:58 AM
59	where we can see them from the city	Sep 17, 2012 8:56 AM
60	If there is a noise issue, maybe not too close to neighbors.	Sep 17, 2012 8:54 AM
61	In places where it might present a hazard or nusiance like schoolyards	Sep 17, 2012 5:17 AM
62	private residences, parks, along the bay (accept for area west of Eastside boat launch	Sep 16, 2012 3:38 PM
63	beaches	Sep 15, 2012 7:08 PM
64	Anywhere not beneficial...	Sep 15, 2012 5:23 PM
65	dense urban areas	Sep 15, 2012 5:01 PM
66	it should not be where the public can have access	Sep 15, 2012 12:54 PM
67	on top of buildings	Sep 14, 2012 10:11 AM
68	Where it could be dangerous	Sep 14, 2012 10:10 AM
69	anywhere other than the beach. We could use them as an item of interest and make a story of them for our town.	Sep 13, 2012 4:19 PM
70	senic viewsapes	Sep 13, 2012 3:27 PM
71	downtown Coos Bay or in a scenic location!	Sep 13, 2012 2:58 PM
72	schools, parks, museums, near concentrated homes	Sep 13, 2012 2:51 PM
73	parking lots, airports, gas stations	Sep 13, 2012 2:49 PM
74	residence with very small yards, and close to other homes	Sep 13, 2012 2:49 PM
75	Must look up areas with high populations of bats that will be affected.	Sep 13, 2012 2:46 PM

**Q5. Where would a wind turbine system not be ok?**

76	In a farm along the bay, along hwy 101 or masses of them in residential zones	Sep 13, 2012 2:40 PM
77	residential neighborhoods, next to highways/busy roads	Sep 13, 2012 2:05 PM
78	Inside a building	Sep 13, 2012 2:04 PM
79	private residence (unless you have permission)	Sep 13, 2012 1:58 PM
80	downtown	Sep 13, 2012 1:53 PM
81	Turbines on private property should be put up to a vote of surrounding property owners. If the majority is in favor of it, then a turbine may be erected.	Sep 13, 2012 1:46 PM
82	Schools	Sep 13, 2012 1:45 PM
83	Anywhere	Sep 13, 2012 12:41 PM
84	In the viewscape of a private residence	Sep 13, 2012 11:09 AM
85	any downtown or residential area	Sep 13, 2012 9:10 AM

**Q14. Further Comments**

1	Renewable energy such as wind power is a great fit for a windy area like Coos Bay	Oct 17, 2012 8:00 AM
2	We, as a community, need to embrace wind turbines within city limits. It makes economic sense and we should absolutely be supporting this. Towns and Cities across the United States and world are moving towards urban wind energy and to oppose this will be shortsighted and ill advised. I am very embarrassed of the Planning Commission's decision and believe it was the wrong one (as does much of the Bay Area community)	Oct 15, 2012 4:49 PM
3	This is not a simple issue - no matter what Jodie and her critics say.	Oct 12, 2012 9:31 AM
4	I like Windpower...but only in remote areas!	Oct 11, 2012 2:52 PM
5	It would be nice to see examples of different turbines	Oct 10, 2012 8:48 PM
6	It would be nice to see examples of different turbines	Oct 10, 2012 8:48 PM
7	Excellent "green" idea	Oct 9, 2012 7:33 PM
8	Height is a consideration, but limiting a specific number of feet over the allowed height seems reasonable	Oct 9, 2012 1:38 PM
9	I absolutely agree with using wind power!	Oct 8, 2012 1:53 PM
10	I do not view them as distasteful. we need energy. we have lots of wind. lets use it.	Sep 28, 2012 1:33 PM
11	Clean e energy is the best	Sep 27, 2012 10:57 AM
12	Power lines, cell towers and clear cuts already disturb my view. I would welcome more sustainable energy to my viewshed.	Sep 25, 2012 10:39 AM
13	Migratory/resident bird populations need to be taken into consideration before any turbine placement.	Sep 24, 2012 10:45 PM
14	I live in Bandon, but to see wind power succeed!	Sep 24, 2012 5:36 PM
15	Carefull planning important	Sep 22, 2012 6:47 PM
16	I think the most important factor will be....how much wind is available in specific spots.....should be at a location that has enough wind foew to make it happen.	Sep 22, 2012 4:21 PM
17	Please consider greater latitude for vertical axis wind turbines which are much lower profile than traditional turbines and can be mounted at much lower heights. They can be added to the the side of existing cell towers. One would be great in my back yard. <a href="http://www.youtube.com/watch?v=Srd3beT3dMY">http://www.youtube.com/watch?v=Srd3beT3dMY</a>	Sep 21, 2012 9:06 PM
18	Coos County & Oregon need more Education on Wind Energy	Sep 21, 2012 5:20 PM
19	It is time to save all the energy dollars we can. It is the 21st century and we need renewables! I travel and love seeing windfarms, to me they are majestic. Windmills were on every farm and kept for the scenic appeal.	Sep 21, 2012 5:12 PM

**Q14. Further Comments**

20	Questions should all distinguish between rooftop and wind farm type generators. They are two separate issues	Sep 21, 2012 3:02 PM
21	We NEED these things for our future. Thank you.	Sep 21, 2012 7:40 AM
22	With all the wind that comes our way, it is STUPID that the city and county will not use it. It is time for some big upgrades to our section of the world. I am tired of living in one of the most depressed places in the state!	Sep 20, 2012 1:01 PM
23	Consideration for wildlife impacts must be addressed before implementing such a project, also public input towards the placement of such turbines should be taking into account to protect the town's viewscape.	Sep 20, 2012 9:10 AM
24	With as much wind as this area gets it seems to be a perfect fit for this kind of project. Anywhere along the dunes, bay, coastal foothills would be appropriate and effective.	Sep 20, 2012 8:32 AM
25	Put the turbines out on the islands in the bay. Part of where they could be depends on the noise they make	Sep 19, 2012 5:02 PM
26	I would like more information on the pro and cons of wind turbines. This area needs work and bringing options for energy would be a great way to bring money to this economy. Coos bay is not the biggest tourist hotspot on the coast. It seems more for passing through and fishing and the casino. I would think that bringing new money in would greatly improve this wonderful little town. The schools in coos bay need help. If we could bring up a new industry here it might stimulate a city in need.	Sep 19, 2012 4:26 PM
27	If set properly there should be no problem. Random designs need to be regulated, good quality no problem.	Sep 19, 2012 3:35 PM
28	progression is good :)	Sep 19, 2012 3:01 PM
29	the higher, the stronger the wind	Sep 19, 2012 2:33 PM
30	All technologies involve tradeoffs. Your best move is to gain the power of the wind with minimum impact on the peaceful lives of your people. I live in Eugene, and have often travelled to Coos Bay. It's a beautiful location, and I have seen other beautiful locations (e.g. the middle West Coast of Taiwan) with windmills added with little aesthetic damage. I recommend large windmills, far from residential neighborhoods - possibly at sea or out in the Bay. From a distance, there is something romantic about a large windmill in operation. But, like bagpipes, the closer you get the more annoyance overcomes this advantage.	Sep 19, 2012 1:11 PM
31	There are many different designs, most are more efficient and less obtrusive than the old rotor blade design.	Sep 19, 2012 12:23 PM
32	no we don't want this here	Sep 19, 2012 11:48 AM
33	If the purpose of the wind turbine is to service the area its built in, that changes the equation. We need power independance. Think , the power grid is down, sabotaged or by inclement weather.	Sep 19, 2012 9:56 AM
34	Coal & oil were buried for a reason. Wind is free, lets use it.	Sep 19, 2012 12:20 AM

**Q14. Further Comments**

35	The questions really can't be asked/answered simply yes/no, lots of variables/considerations, we need to be looking ahead, finding alternatives, but at the same time we need to ensure that they can be made to fit into the setting, residential/industrial etc.	Sep 18, 2012 9:19 PM
36	You want to restrict wind turbines but not coal or LNG; this makes absolutely no sense.	Sep 18, 2012 5:55 PM
37	The city should be helping facilitate the use of alternative forms of energy production to the greatest extent possible.	Sep 18, 2012 3:45 PM
38	monitoring for safety is a factor, of course.	Sep 18, 2012 9:52 AM
39	Survey should have a place for "No Wind Turbines, anywhere inside city limits. PERIOD!!!	Sep 18, 2012 9:51 AM
40	Bullards Beach- Shore Acres- Where the strongest and most consistent winds blow!!	Sep 18, 2012 9:34 AM
41	i heard you can make the turbines look like trees and not be an eyesore. Think about our tourism and what would you think if you came to the coast for a nice vacation and just saw wind turbines everywhere. Dont get carried away. Put some out by the Cape Arago beach, along the hollering point and Whiskey Run beach.	Sep 18, 2012 9:27 AM
42	Have you seen what the wind turbine have done to the columbia river area?	Sep 18, 2012 8:25 AM
43	I think wind turbine could be located at the top of the Pony Creek watershed without harm to the watershed obstruction of anyone's view.	Sep 18, 2012 8:02 AM
44	Wind turbines have failed miserably in this area - like Whiskey Run. I know someone who had a turbine on the top of a local mtn and it wasn't worth much in terms of electricity produced. Questions 2,3, 6, and 7 are very dependent upon the type of wind turbine	Sep 17, 2012 7:05 PM
45	structure sizes should be limited in residential areas	Sep 17, 2012 4:17 PM
46	Turbines do not destroy the beauty of the columbia gorge in my opinion	Sep 17, 2012 3:42 PM
47	I think wind power is an important energy source we should be utilizing, and especially located along industrial or abandoned areas of 101 that are current eye sores, they would be providing a promising "outlook" of harnessing green energy along the south coast.	Sep 17, 2012 12:29 PM
48	out of site of view of the city	Sep 17, 2012 8:56 AM
49	Be not afraid of change and progress.	Sep 17, 2012 8:54 AM
50	Eco-energy must trump aesthetics; there is no "view" if we're immersed in carbon-fuel smog!	Sep 17, 2012 8:08 AM
51	The wind industry employs 75,000 Americans in manufacturing, installation, and maintenance. These are good-paying jobs for skilled workers, and they're helping the country move beyond the wasteful and outdated energy technologies	Sep 17, 2012 5:17 AM

**Q14. Further Comments**

	of the 19th century.	
52	What better way to generate power? People will complain about the turbines at first, but they will get used to them.	Sep 16, 2012 3:24 PM
53	Like the idea of wind power only second to solar power as far as invasive to wildlife (turbines kill birds) but Dams and High Tension power lines do worse.	Sep 16, 2012 6:52 AM
54	I love my hometown and believe harvesting the resource of pacific wind would greatly benefit the community.	Sep 15, 2012 5:23 PM
55	i have put up many windmills in different locations and you people are looking at it and going about it the wrong way and your not asking the right questions or informing people with all the right info	Sep 15, 2012 12:54 PM
56	there is concern about wind turbine towers just as there was 120 years ago with the proliferation of electrical transmission wires strung on poles. The novelty of a thing wears off over time and it becomes acceptable, even ubiquitous.	Sep 14, 2012 11:59 AM
57	I live very close to the border between North Bend and Coos Bay. Wind turbines dramatically negatively impact the quality of life of people who live near them.	Sep 13, 2012 7:11 PM
58	I think we could utilize these wind turbine as an item of interest and really make an educational element out of them. This could be an opportunity to combine the nature loving coastal area with clean energy production. We always have wind and we should take advantage of that.	Sep 13, 2012 4:19 PM
59	you have to consider using vacate land that wouldn't make it an eyesore for people traveling through and residents. You have to be sensible about placement!	Sep 13, 2012 2:58 PM
60	views are important. It should be considered when putting in a wind turbine.	Sep 13, 2012 2:49 PM
61	We need the energy and the jobs	Sep 13, 2012 2:49 PM
62	Please look up research that shows how wind turbines affect the bat population. I do NOT want an infestation of mesquitoses as a result of a dwindling bat population. Thank you.	Sep 13, 2012 2:46 PM
63	Question2: Turbines/Towers No, Farms Yes - A sea of wind turbines of multiple sizes and shapes would be an eyesore, but a balance utilizing this alternative energy would be preferred	Sep 13, 2012 2:40 PM
64	Could be located in 7 Devil's Rd area - how about the north spit industrial area - look at other areas and see how they have located their turbines off the beaten path.	Sep 13, 2012 2:05 PM
65	I live just out of the city limits. I am encouraged that the city is being forward looking to address the energy needs and including wind power in the discussion.	Sep 13, 2012 1:46 PM
66	It would be a huge leap forward for the City of Coos Bay and North Bend to get this kind of technology.	Sep 13, 2012 1:45 PM
67	Be concerned about power distribution and cost	Sep 13, 2012 12:41 PM

#### Q14. Further Comments

68 We need to seriously look at smaller profile generators and offshore development

Sep 13, 2012 9:10 AM



## SMALL SCALE WIND ENERGY SYSTEM

## Sections:

- 17.287.010 Purpose
- 17.287.020 Definitions
- 17.287.030 Prohibited locations
- 17.287.040 Standards for a small wind energy system
- 17.287.050 Conditional use application
- 17.287.060 Micro wind energy system
- 17.287.070 Monitoring and Maintenance
- 17.287.080 Revocation
- 17.287.090 Abandonment
- 17.287.100 Technical Support
- 17.287.110 Use of permit
- 17.287.120 Variance Criteria

**17.287.010 Purpose.**

The purpose of this Chapter is to oversee the permitting of small scale wind energy systems, to protect public health and safety, and preserve the environmental, historic and aesthetic qualities of the City without significantly increasing the cost or decreasing the efficiency of a small wind energy system.

**17.287.020 Definitions.**

**Ambient background noise:** The measured noise level at the appropriate measurement point as specified in OAR 340-035-0035 Section (3)(b) of the Noise Control Regulation for Industry and Commerce using generally accepted noise engineering measurement practices. Background noise measurements shall be obtained at the appropriate measurement point, synchronized with wind speed measurements of hub height conditions at the nearest wind turbine location. "Actual ambient background level" does not include noise generated or caused by the wind energy facility.

**Blades:** The aerodynamic surface that catches the wind.

**Brake:** A device which can be applied mechanically, electrically, or hydraulically to stop the rotor in emergencies.

**Flicker:** The alternating changes in light intensity/shadow cast by the rotating blades of a wind turbine when the sun is at certain angles creating a blinking effect.  
(Flicker is the constant "blinking light" created by the rotating blades which can be irritating to neighboring properties. An evaluation of the flicker may be required.)

**Governing System:** Method the wind turbine uses to shed excess energy in high winds to protect the turbine from over speeding.

**Micro wind energy system:** A system that converts wind energy into electricity through the use of a wind turbine generator and may include a nacelle, rotor blade, tower, and/or turbine pad. A system is less than 20 feet in height and a blade of 9 foot or less in diameter (63.5 square foot swept area). Micro systems are included in the definition of "small scale" wind systems.

Noise sensitive property: Property that is generally affected by excessive or loud noises such as schools, churches, care centers, housing specifically for the elderly or infirm, hospitals, public libraries, and areas specifically designated by the City of Coos Bay as follows: *Mingus Park; John Topits Park...*

Owner: the individual or entity that intends to own and operate the small scale wind energy system in accordance with this code.

Rotor: The rotating part of a wind turbine, including either the blades and blade assembly or the rotating portion of a generator.

Small scale wind energy system: A system that converts wind energy into electricity through the use of a wind turbine generator and may include a nacelle, rotor, blade, tower, and/or turbine pad. A small scale wind energy system is less than 70 feet in height, with a rotor blade of less than 22 feet (380 square foot swept area).

Swept area: The area in square feet of the circle "swept" by the blades ( $A=\pi r^2$ ).

Total height: The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

Tower: The monopole, freestanding, or guyed structure that supports a wind generator.

Vertical Axis Wind Turbine: A wind energy system with an axis perpendicular to the wind and which rotates on its center generating power from a spinning effect rather than from a propeller.

*View Corridor: Visual pathway of the bay or wooded hillsides, from a given public viewpoint such as a park, public parking area, or public facility, that is currently unobstructed by buildings or other structures of the same or greater height than the proposed facility.*

Wind facility: Small scale wind energy system.

Wind generator: Blades and associated mechanical and electrical conversion components mounted on top of the tower.

Wind monitoring or meteorological tower (met tower): A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate (anemometer).

Wind turbine: A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

#### **17.287.030 Prohibited locations.**

A wind facility, other than a micro wind facility as set forth in Section 17.290.060, shall be prohibited in the following locations:

(1) Sites, districts, or places listed as cultural resources in the Comprehensive Plan or included on the National Register of Historic Places, or within the streetscape of the neighborhood where the resource is located.

(2) Sites regulated by the Coos Bay Estuary Management Plan; and,

(3) Within 100 feet of any sensitive or endangered species designated by the Oregon Department of Fish and Wildlife without written permission from that agency.

#### **17.287.040 Standards for small scale wind energy system.**

A small scale wind energy system shall be a *conditional use*, pursuant to all standards and criteria of CBMC Chapter 17.355, in *all zoning districts*. A wind facility is subject to the following requirements to be evaluated in the Conditional Use process to determine compliance. The Conditional Use permit may impose conditions of approval stricter than these standards or addressing matters not covered in these standards in order to mitigate negative impacts of the proposed facility.

- (1) All wind energy systems must be installed according to the manufacturers' specifications.
- (2) The location, construction and operation of wind facilities shall be consistent with all applicable local state and federal requirements including, but not limited to, all applicable safety, construction, environmental, electrical, communications and aviation requirements. A wind facility that connects to the electric utility shall comply with all standards of the Oregon Public Utility Commission and other regulatory agencies.
- (3) Adverse impact on views. Wind facilities shall be installed so as to minimize adverse impacts on the view from any public park or open space, aquatic and shoreland areas of the Coos Bay Estuary Management Plan, natural scenic vista, historic property, scenic and view corridors, or *residential area*. In determining the potential adverse impacts of the proposed facility, the following points shall be considered:
  - (a) The extent to which the proposed wind facility is visible from the viewpoint(s) of the impacted resource or vicinity (i.e. visual size of the facility from the viewpoint, other features in line of sight with the facility from the viewpoint, etc.);
  - (b) The type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;
  - (c) The amount of vegetative screening;
  - (d) The distance of the proposed facility from the impacted resource or vicinity; and,
  - (e) The availability of reasonable alternatives that would allow the facility to function consistently with its purpose at an alternative site.
- (4) Height. In addition to the maximum structure height limitations of the underlying zone, a wind facility shall comply with the following height requirements, unless a variance is obtained:
  - (a) No height variance shall be granted for a facility located on a single-family dwelling or duplex or within a residential zone;
  - (b) If there is not a height limit in the underlying zone, the maximum height of a facility shall be 70 feet; and,
  - (c) Building/roof or other structure-mounted wind facilities shall not project more than *fifteen (15)* additional feet above the highest structural point on the building or structure.
- (5) Setbacks. In addition to the required setback area of the underlying zone, all wind facilities, except building/roof or other structure-mounted wind facilities, shall comply with the following, unless a *variance* is obtained.
  - (a) The facility shall be set back from the nearest property line a distance not less than the total height of the facility;
  - (b) The facility shall be set back from the nearest public right-of-way a distance not less than its total height, determined at the nearest boundary of the right-of-way;
  - (c) The facility shall be set back from the nearest above-ground public utility line/facility (e.g. *sewer pump station*) a distance not less than the total height, determined from the existing utility line/facility; and,
  - (d) All wind facility equipment and/or enclosures shall be set back from property lines according to the requirements of the underlying zone.

(6) Safety and security.

(a) Wind facilities shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding and excessive pressure on the tower structure, rotor blades, and turbine components;

(b) Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection;

(c) Fencing, or other appropriate measures, may be required to prevent unauthorized access to the wind facility and any equipment on the ground;

(d) To prevent unauthorized climbing:

(i) Climbing foot rungs will not be placed on the lower 10-12 feet of a freestanding tower; and,

(ii) For lattice or guyed towers, sheets of metal or wood will be fastened to the lower part of the tower to cover all hand and footholds.

(e) Signs warning of the electrical and other hazards associated with the wind facility shall be posted at the base of each tower and at reasonable intervals on fences or barriers;

(f) Horizontal axis wind facility. *Except for a roof-mounted facility*, the lowest extension of the rotor of a horizontal axis wind facility shall be at least 25 feet from the ground; and, for a microwind energy system, the lowest extension of the rotor shall be a minimum of 15 feet from the ground.

(g) Vertical axis wind facility. *Except for a roof-mounted facility*, a fence or other barrier shall be erected around a vertical axis wind facility whose rotors are less than 15 feet from the ground;

(h) Electrical Wires. *For tower/pole mount facilities*, all electrical wires associated with a wind facility, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground; electrical wiring for roof installations shall be enclosed in conduit and secured per electrical code.

(i) Lighting. A wind tower and generator shall not be artificially lighted unless the Federal Aviation Administration requires such lighting. Any on-site lighting will be shielded so as to not shine directly beyond the property lines; and,

(j) Seismic Safety. All wind facilities shall comply with the requirements of the applicable seismic zone of the Uniform Building Code or with the seismic design recommendation in an approved geotechnical report on the project.

(7) Noise. The applicant shall provide documentation that the following noise level standards will be met, unless a variance is obtained. The City may hire an independent consultant to review the calculations at the applicant's expense. The installation of facilities with sufficient documented noise specifications do not require independent verification.

(a) The proposed noise level shall not exceed 5 dBA above the existing ambient noise level as measured at the closest neighboring property line of a noise sensitive property. It is intended that the maximum noise level would be limited by b and c, below, in addition to a maximum of 5 dBA above the existing level. It is not intended that this 5dBA increase be for more than the maximums of the rest of this section;

(b) Wind facilities shall meet regulation, policies and procedures set forth in OAR 340-035-0035 (Noise Control Regulations for Industry and Commerce) Section (1)(b)(iii) for noise levels generated or caused by a wind energy facility; and,

(c) Noise levels shall not exceed 50 dBA, as measured at the closest residential neighboring property line, or 60 dBA, as measured at the closest non-residential property line. (zone or use?)

(d) Upon receipt by the city of a complaint regarding noise from an existing wind facility project, the project owner shall be required, at the owner's expense, to have prepared, by an independent acoustical consultant, approved by the Public Works and Development Department, an acoustical study that shall demonstrate compliance with the above noise standard on the basis of equivalent sound pressure levels; that

is, the steady sound level that, over a 10-minute measurement period, would produce the same energy equivalence as the fluctuating sound level actually occurring.

In the event the noise levels resulting from the wind facility exceed the criteria listed above, a waiver to said levels may be approved provided a permanent noise impact easement is recorded with the County. The easement must advise all subsequent owners that noise levels in excess of those otherwise permitted by the code may exist on or at the property and that consent is granted to all noise levels to exceed the maximum limits otherwise allowed. If an easement is not recorded the wind facility must be removed.

(8) Appearance, color, finish, and lighting:

(a) The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer; or,

(b) An alternative color scheme may be approved in the conditional use permit process. A finish must be provided for the wind energy system that reduces the visibility of the facility, including the rotors. In most circumstances this condition may be satisfied by painting the support structure and rotors with flat, light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height.

(c) If more than one wind generator and tower is located *on the same property*, they shall have uniform design, color, and height if practical.

(e) The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

(9) Landscaping and screening. Landscaping and screening is intended to reduce the visual impact at ground level of supporting structures and ground equipment, and to maintain a secure area not accessible to children.

(a) Any proposed or required fenced area is to be surrounded, where feasible by a landscaped strip of sufficient width and height to create a visual screen. Required landscaping shall be located outside of the fenced area;

(b) A majority of the planted vegetation shall be of the evergreen variety;

(c) The location of the landscape buffer may be at any distance from the facility to create a visual buffer. The landscaping does not need to be directly adjacent to the facility; and,

(d) Exception. The requirement for landscape and/or screening may be waived by the Public Works Director, or their designee, if it is determined that the facility does not require screening due to its location or other unique factor.

(10) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind facility visible from any public road, shall be prohibited.

(11) A wind facility must not cause any interference with normal radio or television reception in the surrounding area, or with any public safety agency or organization, (including but not limited to police, fire, ambulance, Port of Coos Bay, Federal Aviation Administration, and Coast Guard) radio transmissions, or with any microwave communications link. The owner shall bear the costs of immediately eliminating any such interference, or must immediately shut down the system or parts of the system causing the interference.

(12) Certification.

(a) It must be certified in writing by a structural engineer registered in Oregon that the tower with the rotor and rotor-related equipment, conform with good engineering practices and with the appropriate provisions of the Uniform Building Code that have been adopted by the City. In addition, an engineered foundation must also be certified to be adequate to support the tower, rotor and rotor-related equipment; a soils study may be required; and,

(b) The electrical connections to the grid must be approved in the manner required by Oregon electrical codes which may or may not require independent certification of electrical systems.

(13) Wildlife Resources: Copies of all wildlife studies applicable to the project site must be provided to the City at the time of application.

(14) The provisions of this Chapter shall not apply to a wind measurement device that is less than 50 feet in height if it is for temporary use not to exceed 12 months. The device and tower/associated equipment must be removed at the end of the one year, unless an extension is granted by the Director. No conditional use approval or height variance is required for the temporary use. However, a building permit is required along with a bond or other security to insure the temporary use is removed at the end of the one year period.

(15) A building permit is required for each wind facility. A building permit will not be issued until all land use approvals have been obtained; any associated conditions have been met; and all other applicable local, State and Federal approvals have been secured.

#### **17.287.50 Conditional use application.**

(1) A pre-application conference with the Public Works and Development Department is required with potential applicants before a land use application is submitted. Such advance communication helps the Department understand the scope of the project and provides an opportunity to answer the applicant's questions about standards and application requirements.

(2) Site Control: At the time of application for a permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall include proof of control over setback areas and access roads if required. Control shall mean the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

(3) Only after the pre-application conference has taken place, an applicant may submit a Conditional Use application on the form prescribed by the Department. A stand-alone wind facility less than 20 feet tall, and not located on a primary elevation may be reviewed as an Administrative Conditional Use. All applications shall be accompanied by the following:

- (a) A complete description of the proposed wind facility system including use of concealment technology, height, location, siting, color, and design, and description of services the applicant intends to provide from the facility. Manufacturer specification sheets on the equipment shall be provided;
- (b) An accurate and scaled site plan, scaled elevation views, and other supporting drawings illustrating the location and dimensions of the proposed wind facility, including but not limited to:
  - (i) Support structure(s);
  - (ii) Alternative support structure(s);
  - (iii) Equipment enclosures; and,
  - (iv) Any and all other devices and attachments;
- (c) The location, grades and dimensions of all temporary and permanent on-site driveways, roads, and access roads from the nearest city street;
- (d) Existing topography with contours that vary depending on the size and slope of the site;
- (e) Water bodies, waterways, wetlands, and drainage channels in the vicinity;
- (f) The location of and distance to residences and noise sensitive properties that could be affected by noise generated by the proposed project. The direction and distance to the airport, airstrips or helicopter pads and their specific location if within one quarter mile;
- (g) Copies of all wildlife studies, prepared for this or other purposes, such as by the Oregon Department of Fish & Wildlife, that include study of the site or an area within one quarter mile of the site.
- (h) A report on the results of a wind measurement device on the site for a period of one year for the following:
  - (i) Wind facilities that would exceed the allowable height of the zone; or
  - (ii) Wind facilities for use on other than a single-family or duplex dwelling; or
  - (iii) Projects that involve more than one wind facility on the site.



(i) A geotechnical report if required by the Building Official in order to evaluate soil and slope suitability for the proposed installation relative to applicable Building Codes.

(j) Permits, approvals or other actions required by other government agencies or from public or privately-owned utilities must be provided to the City with the application including written authorization from the utility for the proposed interconnection; this includes evidence demonstrating a request has been filed with the Federal Aviation Administration (FAA) and the Oregon Department of Aviation (ODA) to review the application, or evidence demonstrating that the applicant has complied with all FAA and ODA requirements.

(k) An application for a wind facility proposed to be located within two miles of any microwave communications tower or link shall be accompanied by a copy of a written notification of the proposed conditional use to the operator of the microwave facility. A map must be provided with the application showing the tower or link sites.

(l) An explanation of all construction and other development associated with the proposed energy project and how that construction and development complies with the approval standards in Section 17.287.040.

(m) A site preparation and installation schedule and timeline for restoring areas temporarily disturbed during construction.

(n) Location of proposed and existing electrical lines and facilities.

(o) A description of actions the applicant will take to restore the site to a useful, non-hazardous condition upon project termination as set forth in Section 17.287.090(2)(c)(i.-v.).

(p) An application for a free-standing wind facility proposed to be located within a 100-year floodplain, as such flood hazard areas are shown on FEMA maps, shall be accompanied by a detailed report which shall address the potential for water erosion and scour, as well as sedimentation and flooding. Said report shall propose mitigation measures for such impacts to the extent that such impacts are caused by the proposed wind facility. The requirements of Chapter 17.195, *Flood Damage Prevention*, must also be satisfied.

(q) In lieu of the list of owners within 250 feet required for a conditional use, a certified list of names and addresses of all owners of property around the exterior boundaries of the subject property, according to the latest adopted County tax roles, along with assessor maps showing all lots and parcels of land within that area, must be provided as follows:

(i) 500 feet around the subject property for wind facilities less than 35 feet in height; and,

(ii) 800 feet around the subject property for wind facilities greater than 35 feet in height.

(r) Visual impact analysis and demonstrations including mock-ups and/or photo simulations from at least three directional perspectives showing the relationship between nearby development and the proposed system are required.

(s) The applicant shall furnish a performance bond to assure that the approval criteria and conditions imposed are completed in accordance with the plan and specifications as approved, and that the facility would be removed if the project is not completed as approved. The bond shall be released only after final inspection, all conditions have been met and the facility is operational.

#### **17.287.60 Micro Wind Energy Facility.**

(1) A micro wind energy facility *may be approved as an outright use* if it complies with the following criteria:

(a) Written authorization is provided from the utility for the proposed interconnection;

(b) Located on any structure that generates power for that structure;

(c) Extends not more than 15 feet above the height of the building and is within the allowable height of the zone;

(d) Is mounted on the roof and/or on a monopole attached to the side of the building;

(e) Not located on a primary elevation;

(f) Provides supporting documentation that the unit would not create a flicker effect on adjacent properties; and,

(g) Noise standards as set forth in Section 17.287.040(9).

(2) A vertical axis blade wind facility may be approved as an outright use if it complies with the following criteria:

- (a) Written authorization is provided from the utility for the proposed interconnection;
- (b) Located on a building or structure that produces power for that or an adjacent structure;
- (c) Not located on a primary elevation;
- (d) Extends not more than 15 feet above the height of the building and is within the allowable height of the zone; and,
- (e) Noise standards as set forth in *Section 17.287.040(9)*.

(3) Engineering report. At the time of building permit application, the property owner must submit a report prepared by an Oregon licensed professional engineer attesting to the fact that the structure to which the system will be mounted/attached is sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of the system on it. The report is subject to approval by the Building Codes Official.

#### **17.287.070 Monitoring and Maintenance.**

(1) Compliance Testing. All wind facilities shall comply with all Federal, State, and local regulations. The City of Coos Bay, at any time, may require evidence of testing of a facility to determine if the facility is in compliance with all applicable Federal, State, and local regulations. Such measurements shall be signed and certified by an engineer registered in Oregon, stating that measurements or calculations are accurate and meet the standards of this Code.

In the case of testing for noise measurements, such testing shall be completed and/or certified by an acoustical engineer.

All testing shall be at the cost of the wind facility owner(s). Failure to perform such testing shall be adequate basis for revocation of the permit.

(2) Maintenance. The applicant, co-applicant, and/or property owner shall maintain the wind facility. Such maintenance shall include, but shall not be limited to, painting/coating, maintaining structural integrity, landscaping and other conditions of approval. In the event the facility is not maintained in accordance with permit conditions or the standards of this Chapter, the City may seek and obtain a court order directing such maintenance and impose a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of maintenance, including any administrative costs.

#### **17.287.080 Revocation.**

The permit for any facility not in compliance with all applicable federal, state, and local regulations shall be revoked upon failure to bring the facility into compliance within thirty (30) days after written notice. The permit may be suspended or revoked for non-compliance.

#### **17.287.090 Abandonment.**

(1) City issued Notice of Abandonment. A wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Public Works and Development Director, or their designee, shall issue a Notice of Abandonment to the owner of the wind facility. The owner shall have 30 days to respond. The Notice of Abandonment may be withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned.

(2) Any wind facility that has reached the end of its useful life or has been abandoned shall have the wind generator removed at the sole expense of the owner. When the wind facility is scheduled to be abandoned or discontinued, the operator of the wind facility shall notify the Public Works and Development Director by Certified United State Postal Service mail of the proposed date of abandonment or discontinuation of



operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations.

(3) Removal of abandoned facility:

(a) The owner/operator shall physically remove the wind facility no more than 90 days from the date of abandonment or discontinuation of use. At the time of removal, the wind facility site shall be restored to the state it was in before the facility was constructed or converted to any other legally authorized use.

(b) If the applicant ceases operation of the energy project, or begins, but does not complete construction of the project, the applicant shall restore the site according to the plan submitted and approved by the Public Works Development Director during the conditional use process. The applicant shall submit a plan, which includes a schedule for completion of site restoration work that ensures that the site will be restored to a useful, non-hazardous condition, including but not limited to the following:

i. Removal of aboveground and underground equipment, structures, security barriers and foundations, including the entirety of depth of the foundation located below ground surface, is required.

ii. Restoration of the surface grade and soil after removal of aboveground structures and equipment;

iii. Removal of graveled areas and access roads; and,

iv. Revegetation of restored soil areas.

(c) If the structure, equipment and equipment enclosure are not removed as indicated in this Chapter, the City may remove the facility and/or seek and obtain a court order directing such removal and impose a lien upon the real property upon which the structure(s) is situated in an amount equal to the cost of removal, including any administrative costs.

#### **17.287.100 Technical Support.**

The Public Works and Development Director, or their designee, may employ, on behalf of the City, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required.

The costs associated with the independent technical review shall be at the expense of the wind facility owners.

#### **17.287.110 Use of Permit.**

(1) Any wind facility Conditional Use Permit that is granted shall be implemented, *that is, the facility shall be operational*, within 2 years from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of 5 years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than 5 years, the permittee may, prior to its expiration, request an extension of time in which to use the permit.

An extension of time may be granted by the Commission upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of 5 years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

(2) Replacement. An individual wind facility which has been installed pursuant to a Conditional Use permit may be replaced with approval of the Public Works and Development Director provided the replacement of the wind facility meets the standards of this Chapter and the original conditional use permit. Such determination shall be made by the Director. Any significant changes, including but not limited to, the visual impact, physical impact, or operational impact of the wind facility will require a new conditional use permit.

## 17.287.120 Variance Criteria

In addition to the variance criteria of Section 17.350, a variance for a small scale wind energy facility shall meet the following criteria:

(1) Variance from standards relating to height.

- (a) The proposed structure and facility shall use concealment technology such as, but not limited to, incorporation into existing structural or natural features and use of landscaped buffers;
- (b) It is demonstrated that a greater height is required to provide the necessary service; and,
- (c) The proposed structure and facility will not create an adverse impact on scenic, natural, historic, or cultural resources or vicinities.

(2) Variance from standards relating to setbacks.

- (a) It shall be demonstrated that the location of the proposed facility will take advantage of an existing natural or artificial features to conceal the facility or minimize its visual impacts;
- (b) The setback reduction shall not result in the location of a facility that would encroach less than the height of the structure into areas currently occupied by structures or areas generally occupied by people;
- (c) A variance from distance to a right-of-way shall only be granted for rights of way that are not likely to be developed as indicated by the City; and
- (d) A variance from distance to a property line other than a right of way shall require written permission from the affected landowner(s) which includes appropriate provisions to hold the City harmless in the event of any claim being filed related to the wind facilities operation or any failure. The City Attorney will approve the language of the hold-harmless clause. A copy of the recorded document shall be submitted to the Public Works and Development Director prior to issuance of a building permit. The document shall contain a requirement for City approval prior to any changes in the document.

(3) Variance from standards relating to noise.

Appropriate recorded easements/agreements shall be secured from affected property owners for all noise variances. A copy of the recorded document shall be submitted to the Public Works and Development Director prior to issuance of a building permit. The easement/agreement shall contain a requirement for City approval for any changes to the document.

(a) Variances shall be reviewed based on site conditions that would reduce the impact of the noise level increase on specific properties such as, but not limited to the following:

(i) Distance of noise sensitive uses to property line that would result in the noise level at the use location being with the allowable dBA; or,  
*(Since the noise readings are done at the property line and some buildings or uses are located at large distances from the property line it would be reasonable to allow a variance from the code based on the actual location of the use within the property.)*

(ii) Sound reduction buffers between the wind facility and the use exist or would be constructed.

An increase in noise level of 5dBA or less may be granted by the Public Works and Development Director, or their designee; and an increase in noise level of greater than 5 dBA shall be reviewed by the Planning Commission.

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8/31/12

CITY OF COOS BAY

Agenda Staff Report

MEETING DATE November 6, 2012	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Jim Hossley, Director of Public Works and Development Department  
Laura Barron, Planning Administrator

*JA per*

**ISSUE** PLANNING DIVISION PRIORITIES

At this time the Planning Division of the Public Works and Development Department has three projects assigned to them that the Council would like to see completed in the near future. These projects are 1) an ordinance to regulate wind energy conversion systems in the city; 2) the revision of design standards for the Empire design area on Newmark Avenue; and, 3) vending in the downtown area. In addition, the newly proposed FEMA floodplain maps for the city are required to be adopted next year. At the same time we will likely propose changes to Chapter 17.195, Flood Damage Prevention, of the Coos Bay Municipal Code.

**DISCUSSION**

The Planning Division is one of four Divisions in the Public Works and Development Department. The Divisions are: Operations (streets, parks), Engineering, Building Codes and Planning.

We have two (2) full-time people in the Planning Division. Our tasks involve, but are not limited to, the following:

- All building code development permit applications (residential and commercial) are processed through our Division as well as the other Divisions in the Department. Applications may require an extensive review and additional communication with the applicant; and, applications may require staff to do periodic inspections.
- Applications for land use reviews (conditional use, variance, vacation, zone change, estuarine uses, site plan review, etc.) are scheduled by the Division before the Planning Commission. Notice (written, published and posted) and a staff report (the creation of findings and conclusions), based on specific review criteria for the submitted application type, are required according to time limits set forth by state law and the Code.
- In-house citizen inquiries, phone calls and e-mails requesting Code requirements for a specific project occur on a daily basis; this may require input from the Engineering and/or Building Codes Divisions.

- Business Licenses for a new or relocated business, or those in conjunction with a Home Occupation, are reviewed by the Division for compliance with the Code. At this time we are also learning a new computer program for tracking business licenses.
- Potential developers, depending on the complexity of a proposed project, often require multiple face-to-face meetings and research by staff in order to provide the developer with the best possible information available to us. The Engineering and/or Building Codes Divisions, and sometimes the Fire Department, are consulted and may take part in the meetings.

Lengthy discussions may be necessary to provide the developer with insight as to the challenges and opportunities, as we see them, the review process for the development, and other agencies that may be involved. Actual development may or may not occur.

- The Planning Division is backup for the Building Codes/Planning Specialists which are 1.5 full-time people. These are the people who are the face of the Department and who initiate the review process as plans and applications are received for construction/mechanical/excavation/right of way use/ land use/business license, etc. This can bring the Planning Division's daily tasks to a halt, but is necessary in order to provide uninterrupted service to the public.
- Follow-up to approved land use permits with conditions or land use violations require tracking and often additional written and verbal communication. Compliance for land use violations often continue for months.

### **REQUEST**

As you can see from the list above, we are extremely busy with our day-to-day tasks. Our first priority is to our citizens. The projects listed above are also for the long-term benefit of our community, but it has become very difficult to bring them to completion. Therefore, staff is asking for direction as to how we should prioritize these projects.

### **BUDGET**

No budgetary impact to tonight's actions.

### **RECOMMENDATION**

Staff is asking for direction from the City Council as to the priorities for the Planning Division.

### **ATTACHMENTS**

None.

Factsheet\2012\ccsetpriorities

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

MEETING DATE November 6, 2012	AGENDA ITEM NUMBER
----------------------------------	--------------------

TO: Mayor Shoji and City Councilors

FROM: Jennifer Wirsing, Engineering Service Coordinator

Through: Rodger Craddock, City Manager *REC*  
Jim Hossley, Public Works and Development Director



ISSUE Consideration of Approval to Award the Contract for Preparation of the Predesign Report for Wastewater Treatment Plant 2 (WWTP 2) to the design team of SHN Consulting Engineers, Inc. and CH2M HILL Engineers, Inc.

BACKGROUND

WWTP 2 is located in the Empire area and has been in service since 1973. The plant was upgraded in 1990 to meet National Pollutant Discharge Elimination System (NPDES) permit requirements. However due to the age of the plant, a Mutual Agreement and Order (MAO) with Oregon Department of Environmental Quality (DEQ), and upcoming NPDES permit requirements the plant must be upgraded.

The City of Coos Bay contracted West Yost Associates to prepare a Facility Plan (FP) for the WWTP2. The FP was approved in 2007. After approval of the FP the City contracted with Civil West Engineering Services to perform predesign for WWTP 2. During the preliminary predesign efforts several options were explored that included moving the plant to the North Spit, pumping the waste to WWTP 1, and expanding the current WWTP 2 site into property located east of South Empire Boulevard. However, DEQ did not officially review any of these alternatives since they were not in the original FP. Based on several constraints, it has been determined that the alternative that consists of expanding the current site to include the property east of South Empire Boulevard is the most viable course of action.

Because of the changes and deviations from the original FP, DEQ requested that the City prepare a Facility Plan Amendment (FPA) prior to proceeding forward on predesign. In 2011, the City contracted with Civil West Engineering Services to prepare the FPA. Within this FPA, the City investigated several alternatives related to influent facilities, treatment, and disinfection. Additionally a value analysis (VA) of the FPA was performed. The City contracted with CH2M HILL to lead the VA. The VA team included CH2M HILL staff, City Staff, Charleston Sanitation District representatives, and a DEQ representative.

After the VA the FPA was submitted to DEQ on June 1, 2012. Because of the close coordination that the City performed with DEQ throughout this process, the city received

minor plan review comments. The FPA is currently being updated to incorporate DEQ's comments and it is anticipated to be resubmitted the week of Nov 6, 2012.

As stated above, the City is mandated to upgrade the Plant 2. The City entered into an MAO with DEQ that includes milestone and tasks that the City must complete in order to remain in compliance. The MAO includes a number of requirements that must be completed by a certain deadline. The next critical deadline in the MAO schedule is the completion of a predesign report for WWTP2. As such it is the City's intent that upon approval of the FPA, efforts begin immediately for the preparation of the WWTP2 Predesign Report

#### ADVANTAGES

Earlier this year, the City obtained a loan and grant from Oregon Infrastructure Finance Authority (IFA) for \$4,853,213. The loan and grant was obtained to complete a portion of the projects from our take down list for sanitary sewer and storm drain improvements. The goal of this loan and grant is to finish 16 projects from that list that the City is mandated by DEQ to complete. If Council approves the award of this contract, the City can begin efforts for predesign, utilize the IFA loan, and be in compliance with the MAO.

#### DISADVANTAGES

Staff sees no disadvantages.

#### BUDGET

At this time, City Staff is negotiating with SHN & CH2M HILL. It is anticipated that by November 6, 2012 City Staff will have negotiations finalized along with a "not to exceed" fee.

#### RECOMMENDATION

If it pleases the Council, approve the award of the contract for preparation of the Predesign Report for Wastewater Treatment Plant 2 to the design team of SHN and CH2M HILL.



**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

MEETING DATE November 6 2012	AGENDA ITEM NUMBER
---------------------------------	--------------------

TO: Mayor Shoji and City Councilors

FROM: Gary McCullough, Chief of Police  
Through: Rodger Craddock, City Manager *see*

**ISSUE:** Presentation on Coos Bay Municipal Code 6.05 "Animal Control and Permits"

**BACKGROUND:**

Through a power point presentation, Police Department staff will present information on the various sections of Coos Bay Municipal Code 6.50 "Animal Control and Permits". How enforcement of the various sections of this Municipal Code affect the quality of life for all citizens living in, working in, and visiting the City of Coos Bay.

**ADVANTAGES:**

An informed Council is better prepared to answer and address citizen inquiries in regard to the Cities Municipal Codes and how staff interrupts and enforces those codes.

**DISADVANTAGES:**

N/A

**BUDGET:**

N/A

**RECOMMENDATION:**

No action is necessary at this time.



# CITY COUNCIL PRESENTATION ON CITY MUNICIPAL CODE 6.05.050

Animals for which a special permit  
must be obtained



# Categories Of Animals

## Livestock

- Horse/Pony
- Mule
- Donkey
- Sheep
- Llama
- Cow
- Pig
- Goat
- Rabbit
- Poultry
- Furbearer



# Categories of Animals

## Exotic/Wild Animals

- Cat (other than domestic)
  - Non-Human Primates
- Wolf, Coyote
  - Other non-native mammals, reptiles, and amphibians
- Poisonous reptile or reptile (avg. adult length over 2')
  - Any animal for the purpose of selling on a regular basis
- Bees
- Bats
- Bears



# Oregon Revised Statutes

- ▣ Definition of livestock
- ▣ As used in ORS 609.135 (Applicability of ORS 609.156, 609.162 and 609.168) to 609.190 (Subrogation of county paying claim), livestock means ratites, psittacines, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches. [1999 c.756 §11]



# Recommended Available Space for Urban Chickens

- ▣ Coop- 4 sq. feet of floor space minimum per bird for interior.
- ▣ Pen- 10 sq. feet of floor space minimum per bird.
- ▣ Range / Exercise yard- 174 sq. feet per bird. Chickens are flock animals and need companionship to remain healthy. It is recommended that no more than 3 to 5 compatible chickens be maintained in a typical city environment.



## Recommended Available Space for Larger Domesticated Animals

- ▣ Horse, Cow, Llama - Minimum of 2 acres for each grazing animal.
- ▣ Swine - 100 Sq. feet per animal in addition access to plenty of space to allow roaming/rooting.
- ▣ Goats and Sheep -  $\frac{1}{2}$  to 1 acre per animal to prevent over grazing.



## City Required Yearly Fee \$50.00

- ▣ Fee covers the cost of Codes Enforcement Officers annual inspections. Inspections consist of all property, pens, stables, buildings, odors, waste containers and management. As well as animal size and breed verification.



# Example of Adequate Space and Pen





# Example of Adequate Space and Pen





Example of an inadequate chicken coup and run  
Crowded conditions / Predators could possible tunnel  
under or move structure





# Neighborhood Issues Caused by Animals Raised in Urban Environment



- ▣ Disputes over property lines
- ▣ Disputes over waste management and odors
- ▣ Disputes over noises and sounds from animals
- ▣ Disputes concerning pets vs livestock
- ▣ Disputes concerning livestock escaping from enclosures and roaming neighborhoods



# Animal Codes from other Jurisdictions

- ▣ Albany – No more than two chickens on any lots less than 7000 Sq. Ft. No fees or inspections
- ▣ Beaverton – Up to 4 chickens must have adequate space. Coop must be kept 20ft from property line
- ▣ Gresham – Up to three hens, provided coop/pen is kept 100 feet from neighbors (\$50 for two year permit)
- ▣ Keizer – Chickens are not allowed however code enforcement will work on complaint basis



## Animal Codes from other Jurisdictions - continued

- ▣ Salem – Coop must be built with sufficient space and can be no closer than 20 feet from neighboring dwelling (\$40 one-time fee)
- ▣ Lebanon - No fowl of any kind allowed, however chickens are dealt with on a complaint basis
- ▣ Majority of jurisdictions contacted do not allow Roosters of any kind.



# Feral Cats

- ▣ Within Coos County feral cats are considered wild and therefore do not belong anyone
- ▣ Because they do not belong to anyone specific it is difficult to regulate/control the population of feral cats
- ▣ Local non profit organizations assist in controlling the feral cat population by providing low or no cost spay and neuter programs



# Informational Links

- ▣ <http://www.urbanfarmonline.com/urban-livestock/>

- ▣ <http://www.backyardchickens.com/>

- ▣ <http://poultryone.com/articles/housing-html>

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

MEETING DATE November 6, 2012	AGENDA ITEM NUMBER
----------------------------------	--------------------

TO: Mayor Shoji and City Councilors

FROM: Rodger Craddock, City Manager 

ISSUE Residency Requirements for City Boards, Commissions, and Committees

**BACKGROUND**

The Council utilizes a number of City Boards, Commissions and Committees to either advise the council and/or to assist in the governance and/or interpretations of city functions, programs, and ordinances. The current list of City Boards, Commissions, and Committees include: (1) Budget Committee; (2) Building & Fire Code Board of Appeals; (3) Design Review Committee; (4) Library Board; (5) Parks Commission, (6) Planning Commission; and (7) Tree Board. Due to current vacancies and/or expiring terms, there are a number of City Boards, Commissions, and Committee openings:

- Three (3) openings on the Budget Committee
- One (1) opening on the Building & Fire Code Board of Appeals
- Three (3) openings on the Design Review Committee (One opening is based on the current residency requirements and the fact that a long-time active Parks Commissioner has recently move outside of the City.)
- Three (3) openings on the Parks Commission
- One (1) opening on the Tree Board

Over the last several years, the City has experienced some difficulty in attracting enough applicants to fill all of the open positions. This has prompted some discussion among Council members regarding adjusting the residency requirements for membership on the above listed committees.

In regards to the current City Commissions, Boards, and Committees (committees), staff reviewed the individual authorizing document(s) which authorize and govern the respective committees and residency requirements for committee members which is as follows:

City of Coos Bay Boards, Commissions & Committees			
Board, Commission or Committee Name	Board, Commission or Committee Authorization	Board, Commission or Committee Membership Qualifications	Term
Budget Committee	ORS 294.905	Shall consist of the members of the governing body of the council of governments and an equal number of representatives of the services provided by the council of governments.	3-Years



**City of Coos Bay  
Boards, Commissions & Committees**

<b>Board, Commission or Committee Name</b>	<b>Board, Commission or Committee Authorization</b>	<b>Board, Commission or Committee Membership Qualifications</b>	<b>Term</b>
Building & Fire Code Board of Appeals	City of Coos Bay Ordinance No. 239 Coos Bay Municipal Code 15.05.190	Shall be qualified by experience and training to deliberate on matters pertaining to building construction. <b>(No residency requirement listed)</b>	3-Years
Design Review Committee	City of Coos Bay Ordinance No. 439 Coos Bay Municipal Code 2.40.020	Seven member committee. <b>Membership is not limited to residents of Coos Bay.</b> If possible, membership should include history, art, graphics, or interior design, and architecture.	3-Years
Library Board	City of Coos Bay Ordinance No. 57 Coos Bay Municipal Code 2.25.020	Seven member board. Four members shall be city residents. <b>Up to three appointees may reside outside the City but within School District #9 boundaries.</b>	4-Years
Parks Commission	City of Coos Bay Ordinance No. 56 Coos Bay Municipal Code 2.30.020	Eight member commission. <b>All members shall be city residents.</b> Membership consists of a Councilor, a Planning Commissioner, a representative of a service club, a landscape design profession or business, design profession, and three citizens-at-large.	4-Years
Planning Commission	City of Coos Bay Ordinance No. 3 Coos Bay Municipal Code 2.35.020	Seven member commission. Six members must reside in the City for at least one year, and <b>one member may reside outside city limits if person owns property within city limits.</b>	4-Years
Tree Board	City of Coos Bay Ordinance No. 181 Coos Bay Municipal Code 8.30.040	Seven member board. Membership consists of a representative of the City Council, Parks Commission, and arboriculture, landscape architecture or background & professional knowledge of trees, and the rest are citizens-at-large. <b>One member may live outside City limits.</b>	4-Years



I inquired with city managers / administrators from across Oregon to see what other cities find out how other cities regulate committee memberships and learned the following:

North Bend	Residency and registered voter required for Planning Commission. No residency requirement for Parks and Recreation Committee. One non-resident allowed on their seven member library board. Three non-residents allowed on their seven member historic landmark committee.
Coquille	No specific residency requirements for city committees.
Port Orford	Most committees allow for non-residents to be members of city committees. Some require that non-city residents live within the city's urban growth boundary while others do not.
Brookings	A limited number of non-residents who live with the city's urban growth boundary are allowed on city committees. A majority of committee members are required to be registered voters living within the city.
Cottage Grove	Only their budget committee requires all members to be residents. Other city committees residency requirements vary by committee (some allow for some non-residents and others have no residency requirements).
St. Helens	Residency requirements vary by committee. Committees which allow for non-residents members require a majority of committee members to be residents.
Independence	Residency requirements vary by committee. Committees which allow for non-residents members require a super majority of committee members to be residents.
North Plains	Non residents are allowed on committees, but a super majority of the committee members must be residents.
Nehalem	Two non-residents allowed on their five-member Planning Commission. Non-residents must live within the city's urban growth boundary.
Toledo	Two non-residents allowed on their seven-member Planning Commission.
Wood Village	Residency required for Budget and Planning Commission. No residency requirements for other city committees.
Dundee	Residency required for Budget and Tourism Committees. Other committees allow for non-residents that own property within the city.
Tangent	Non-residents allowed if they own a business in town.
Drain	Residency requirements for Planning Commission. A mixture of residents and non-residents are allowed on other city committees. Committees which allow for non-residents members require a super majority of committee members to be residents.
Monmouth	One member of each committee allowed to be a non-resident as long as that member possesses relevant special expertise.
Garibaldi	All committees require members to be residents of the city with the exception of the Planning Commission and Tourism Committee.
Junction City	Non-residents are allowed on the Planning Commission, some of which are required to live within the city's urban growth boundary while other

Lebanon

are not. No residency requirements for subcommittees such as their Parks sub-committee.

Non-residents are allowed to be members on city committees although a majority of committee members must reside within the city.

**ACTION REQUESTED:**

Please provide staff direction on this matter. No action is required if the Council does not want to change any City Boards, Commission or Committee membership requirements. Proposed changes will require new ordinances to amend existing respective ordinances.

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

<b>MEETING DATE</b>	<b>AGENDA ITEM NUMBER</b>
November 6, 2012	

TO: Mayor Shoji and City Councilors

FROM: Rodger Craddock, City Manager

ISSUE Proposed Changes to Council Rules

**BACKGROUND**

The current Council Rules (attachment 1) was adopted by Resolution 00-40 nearly twelve years ago. On March 6, 2012, a Charter / Rule Making Advisory Committee (Mayor Shoji, Councilors Kramer, and Muenchrath) was formed. The committee met four times over the last four months; and during which times, they reviewed the Coos Bay City Charter, current Coos Bay Council Rules, and various council rules from other jurisdictions. The Charter / Rule Making Advisory Committee have recommended a number of changes to the current Council Rules which were presented to the Council for your consideration on (attachment 2, an annotated copy of the previously proposed Council Rules, i.e. the document contains the previously proposed additions and deletions to the currently adopted Council Rules).

The proposed changes were presented to the Council at our last meeting (October 16, 2012). Due to some concerns over the language in Section 3. City Boards, Commissions, Lay-Committees, and Council Committees, specifically section 3.1.2 Council Liaison Role, the proposed changes to the adopted rules (as identified in attachment 2) were not adopted. The Council asked for clarification on what City Commissions, Boards, and Committees that council members served on in a liaison rule verses full member status.

As you know, Council members serve on a number of commissions, boards, and committees, although only a few of those are actually **City Commissions, Boards, and Committees** (Budget Committee, Egyptian Theatre Restoration Steering Committee, Library Board, Parks Commission, Tree Board, Council Rules Advisory Committee, Council Economic Development Committee, Building & Fire Code Board of Appeals, Design Review Committee, & Planning Commission). The other commissions, boards, and committees can be categorized as: (1) **Intergovernmental Boards, Commission, and Committees** (CB-NB Visitors and Convention Bureau, Coos County Urban Renewal Agency – North Bay District, Bay Area Enterprise Zone, Oregon Coastal Zone Management Association, Coos Bay / North Bend Water Board Budget Committee, and Household Hazardous Waste Committee), (2) **Other Governmental Boards, Commissions, and Committees** (Coquille Tribal Community Trust Fund, Weed Advisory Board and Solid Waste Committee) and (3) **Various Community Boards, Commissions, and Committees** (Alternative Youth Activates, Boys and Girls Club, Community Coalition of Empire, Coos Art Museum Board, Egyptian Theatre Preservation Association Board, Mingus Park Pool Board, Neighbor's In Need Coalition, Coos Bay Downtown Association, Historic Maritime Museum Project Committee and the Bay Area Chamber of Commerce).

In regards to the current City Commissions, Boards, and Committees (committees), staff reviewed the individual authorizing document(s) which authorize and govern the respective committees, the membership of the committee, and the role of the elected official on committees. As is indicted below, in all cases wherein the elected official is appointed to a City Boards, Commissions & Committees, they serve as full voting members.

<b>City of Coos Bay Boards, Commissions &amp; Committees</b>			
Board, Commission or Committee Name	Board, Commission or Committee Authorization	Board, Commission or Committee Membership	Role of Elected Official
Budget Committee	ORS 294.336	These boards, commissions & committees are comprised of a combination of elected officials and appointed community members	Voting Member
Egyptian Theatre Restoration Steering Committee	Created by URA 6/21/11		Voting Member
Library Board	Ordinance 57, 218 and Library Board of Trustees bylaws		Voting Member
Parks Commission	Ordinance 56		Voting Member
Tree Board	Ordinance 181		Voting Member
City Council Charter / Rule Advisory Committee	Created by the Council on 3/6/12	These committees are made of selected council members	Voting Members
City Council Economic Development Committee	Created by the Council on 8/7/12		Voting Members
Building & Fire Code Board of Appeals	Ordinance 251	These boards, commissions & committees are comprised of appointed community members	N/A
Design Review Committee	Ordinances 310 & 439		N/A
Planning Commission	CBMC 2.35 (Ordinance 3)		N/A

Based on the above findings and as the Section 3 of the proposed Council Rules reference only City committees, staff has removed all references to Council Liaison Role.

Attached you will find the proposed amended proposed Council Rules (attachment 3) and an annotated copy of the proposed Council Rules which contains the proposed additions and deletions to the existing Council rules.

BUDGET IMPLICATIONS:

None

ADVANTAGES:

The proposed changes to the Council Rules more clearly defines the roles and authority of the City's elected and appointed officials as well as identifying the rules under which the Council will conduct its business. Council Rules are used to carry out the wishes of the majority of the Council.

DISADVANTAGES:

None

ACTION REQUESTED:

If it pleases the Council, adopt Resolution 12-23 (attachment 4) amending the Coos Bay Council Rules.

## **RULES OF THE CITY COUNCIL**

### **CITY OF COOS BAY**

#### **Rules of the City Council as provided in the Coos Bay City Charter Chapter IV, Section 4.1**

#### **4.1 COUNCIL MEETINGS**

- 4.1.1 **Regular Council Meetings.** The Council shall hold two regular meetings, on the first and third Tuesday of each month, except in those cases where the Council finds it necessary to designate another date due to conflicts. Regular meetings shall be convened in the City Council Chambers in the City Hall, and shall be called to order at 7:00 p.m., and shall adjourn no later than 10:00 p.m.
- 4.1.2 **Executive Sessions.** Executive sessions may be called by the Presiding Officer, any two members of the Council, or the City Manager. Only Council members, the City Manager, and persons specifically invited by the Council or the City Manager shall be allowed to attend executive sessions. 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. No matter discussed during executive session may be disclosed by any person present during such session.
- 4.1.3 **Special Meetings.** Special meetings may be called by the Presiding Officer, by request of any three Councilors, or by the City Manager. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings, and may be delivered by mail, electronic facsimile (FAX), or by personal delivery.
- 4.1.4 **Public Attendance.** All regular and special meetings shall be open to the public.

#### **4.2 THE PRESIDING OFFICER**

- 4.2.1 **The Mayor.** The Mayor shall preside at all regular and special meetings and executive sessions of the Council and shall be the recognized head of the City for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as presiding officer.
- 4.2.2 **Council President.** At the first meeting after each general biennial election, the Council shall by ballot elect a president from its membership as required by the City Charter. In the Mayor's absence from any Council meeting, the president shall act as the presiding officer. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the President shall act as Mayor Pro Tem.

- 4.2.3 **Temporary Chairman.** In event of the absence of the Mayor and Council President, the Deputy Recorder shall call the Council to order and call the roll of the members; if a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.

#### 4.3 EMPLOYEE DUTIES

- 4.3.1 **City Manager.** The City Manager shall attend all meetings of the Council, unless excused by the Council. He or she shall make recommendations to the Council and shall take part in all discussions concerning the welfare of the City.
- 4.3.2 **Deputy Recorder.** The Deputy Recorder shall be the Clerk for the Council and shall keep minutes of meetings and shall perform such other duties at the meetings as ordered by the Presiding Officer, the Council or the City Manager. The Deputy Recorder shall furnish each Councilor with a copy of the minutes of each preceding meeting in the agenda packet for the next meeting.
- 4.3.3 **City Attorney.** The City Attorney shall either in person or by deputy attend all regular Council sessions and other meetings as directed by the city manager. Any member of the Council may at any time call upon the City Attorney for an informal oral opinion. Written opinions shall be authorized by a majority of the Council. The City Attorney shall be the Parliamentarian, and shall advise the Presiding Officer on any questions of order.
- 4.3.4 **The Chief of Police.** The Chief of Police or his designee shall attend each Council meeting, and serve as the Sergeant-at-Arms. For the purpose of retaining order and decorum at the Council meetings, the Sergeant-at-Arms shall carry out all orders or instructions upon direction of the Presiding Officer or upon any other procedure specifically provided by these rules.
- 4.3.5 **Officers and Employees.** Any member of the City Council may request that the City Manager direct any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

#### 4.4 DECORUM AND ORDER

- 4.4.1 **Presiding Officer.** The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the Council.
- 4.4.2 **Councilors.** Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

4.4.3 **Staff and Public.** Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

4.4.4 **Removal of Any Person.** Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting shall be removed from the room if the Sergeant-at-Arms is so directed by the Presiding Officer. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed. Such person or persons may be barred from further audience before the Council and, in aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted.

4.4.5 **Censure.**

(1) The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

(2) To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Committee of the Whole upon a finding that a reasonable ground exists that a substantial violation has occurred.

(3) The Committee of the Whole shall investigate the actions in executive session, and present a report to the Council in executive session. Neither the Committee of the Whole nor the Council or any member thereof shall have the right to make public any information obtained through such investigation.

(4) Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

## 4.5 DUTIES AND PRIVILEGES OF MEMBERS

4.5.1 **Code of Ethics.** Councilors shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial application of the law to all citizens, and



equal treatment of each citizen before the law, without regard to race, national origin, sex, social station or economic position.

#### 4.5.2 **Debate**

(1) Any Councilor who has the floor shall confine himself or herself to the question under debate, avoid personalities and refrain from impugning the motives of any member argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

(2) Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No Councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

(3) A Councilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order he or she shall be permitted to proceed; if ruled to be out of order he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.

4.5.3 **Right to Appeal.** Any member may appeal to the Council from a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the chair is sustained; otherwise it is overruled.

4.5.3 **Dissent and Protest.** Any Councilor shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or decision objected to.

4.5.4 **Excusal During the Meeting.** No member may leave the Council meeting while in regular session without permission from the Presiding Officer.

4.5.5 **Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

#### 4.6 **ORDER OF BUSINESS AND AGENDA**

4.6.1 **Order of Business.** The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business:

- 1) flag salute
- 2) special orders of business
- 3) consent calendar
- 4) citizen-requested agenda items
- 5) public hearings
- 6) public contracts and purchasing
- 7) ordinances and resolutions
- 8) miscellaneous items (including policy discussion and determination)
- 9) public comments
- 10) city attorney's report
- 11) city manager's report
- 12) mayor and council comments
- 13) executive session
- 14) adjournment

- 4.6.2 **Agendas.** Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Items may be placed on the agenda by any person, but such items shall be presented to the City Manager in writing at least five days prior to the meeting at which they are to be discussed. Upon approval by the Mayor, the City Manager, or any member of the Council, the item shall be placed on the agenda for consideration.

Agendas and informational material for regular meetings shall be distributed to the Council at least four days prior to the meeting.

New business brought before the Council in a meeting may be referred to the City Manager for a report at a future Council meeting.

- 4.6.3 **Additions to Agenda.** A request to add an item for Council consideration to the Council agenda may be presented at the Council meeting but shall require a majority concurrence of the members present to be so added.
- 4.6.4 **Special Orders of Business.** Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except Flag Salute.
- 4.6.5 **Consent Calendar.** The approval of minutes, and other routine agenda items may be placed on the Consent Calendar. Discussion of the Consent Calendar shall be limited to five minutes. Any item may removed from the Calendar and placed in its otherwise appropriate position in the order of business at the request of the Presiding Officer or of any two members of the Council.

## 4.7 CONSIDERATION OF BUSINESS

- 4.7.1 **Quorum.** A majority of the Council shall constitute a quorum to do business. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.
- 4.7.2 **Voting.** Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice; provided, however, upon demand by any member of the

Council, a roll call vote shall be made upon any question before the Council. No Councilor may explain the reasons for his or her vote during the roll call.

- 4.7.3 **Procedure Generally.** When the question has been called for the Presiding Officer shall first ask for the Ayes followed by the Noes. After a vote has been taken the Presiding Officer shall announce the results of the vote.
- 4.7.4 **Voting Required.** Every member present when a question is called shall vote either Aye or No, unless the Council, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest under applicable law, in which case no consent is required. There shall be no debate on such a request. If any member declines to vote, and the result of such action would be to create a tie, that member's vote shall be counted as an aye; in all other situations, that member's vote shall be counted with the majority.
- 4.7.5 **Minimum Votes Required in Certain Situations.** The passage of any ordinance shall require the affirmative vote of at least a majority of the whole membership of the Council.
- 4.7.6 **Ayes and Noes.** On the passage of every Ordinance the vote shall be taken by Ayes and Noes and entered upon the record.
- 4.7.7 **Tie Vote.** In case of a tie in votes of any proposal, the proposal shall be considered lost.

#### 4.8 PUBLIC COMMENT

- 4.8.1 **Policy.** The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desires to speak before the Council shall have the duty to exercise this right in a manner which furthers the greater public interest.
- 4.8.2 **Public Comment Generally.** Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of five minutes within which to make themselves heard. The Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner as it deems appropriate.
- 4.8.3 **Persons Sharing Common Concerns.** If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group shall select a spokesperson, who shall present the views of the group to the Council. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.

4.8.4 **Roster.** All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the Deputy Recorder, indicating the name of the person, the residence of the person, and the subject of public concern on which the persons or groups wishes to address the Council.

4.8.5 **Complaints and suggestions to the Council.** When any citizen brings a complaint before or makes a suggestion to the Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, a committee, the City Manager or the Committee of the Whole for study and recommendation.

(2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer shall then refer the complaint directly to the City Manager for his or her review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when his review has been made.

#### 4.9 PROCEDURE FOR COUNCIL MEETINGS

4.9.1 **Rules of Order.** Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order.

4.9.2 **Construction of Rules of Order.** The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose, and Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole, and confuse the audience at public meetings and the citizens in general.

4.9.3 **Convening the Meeting.** At the time appointed, the presiding officer shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting the names of the members present.

4.9.4 **Recognition.** Every Councilor desiring to speak shall first address the chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.

4.9.5 **Requirement of a Second Before Debate.** No motion shall be debated until it has been seconded and announced by the Presiding Officer.

- 4.9.6 **Motions Reduced to Writing.** Any Councilor may request that a motion be reduced to writing and read by the Deputy Recorder.
- 4.9.7 **Council Questions to Staff.** Every Councilor desiring to question the administrative staff shall address his or her question to the City Manager, who shall be entitled to either answer the inquiries or designate some member of the staff for that purpose. Questions of the City Attorney may be directed to the City Attorney.
- 4.9.8 **Citizen Participation.** Citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and questions regarding administration of the City shall be referred to the City Manager by the Presiding Officer.
- 4.9.9 **Precedence of Motions.** When a question is before the Council no motion shall be entertained except:
- 1) to abide by the rules
  - 2) to adjourn
  - 3) to lay on the table
  - 4) for the previous question
  - 5) to postpone to a certain date
  - 6) to refer
  - 7) to amend
  - 8) to postpone indefinitely
- These motions shall have precedence in the order indicated. Any such motion except a motion to amend shall be put to a vote without debate.
- 4.9.10 **Motions to be Stated by Presiding Officer/Withdrawal.** When a motion is made and seconded it shall be stated by the originator or the Presiding Officer before debate. A motion may not be withdrawn without the consent of the member seconding it.
- 4.9.11 **Motion to Adjourn--When Not in Order--When Not Debatable.** A motion to adjourn will be in order at any time except as follows:
- 1) when made as an interruption of a member while speaking
  - 2) when the previous question has been ordered
  - 3) while a vote is being taken
- A motion to adjourn is debatable only as to the time to which the meeting is adjourned.
- 4.9.12 **Motion to Lay on the Table.** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.

- 4.9.13 **Division of Question.** If the question contains two or more divisionable propositions the Presiding Officer may upon request of the members shall, divide the same.
- 4.9.14 **Motion to Postpone.** All motions to postpone excepting to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.
- 4.9.15 **Suspension of Rules.** No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.
- 4.9.16 **Adjourned Meetings.** Upon motion and majority vote of Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting thereafter.

#### **4.10 CITY BOARDS, COMMISSIONS, LAY-COMMITTEES AND COUNCIL COMMITTEES**

- 4.10.1 **City Boards, Commissions, and Lay-Committees.** Unless otherwise provided by statute, ordinance or resolution, the following shall be the procedure for the creation of and appointments to all City Boards, Commissions, and Lay-Committees:

(1) **Creation and Dissolution.** At any time, the Council may by ordinance or resolution establish any City Board, Commission or Lay-Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as members. Unless otherwise provided, all City Boards, Commissions, and Lay-Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.

(2) **Qualifications.** All appointees to City Boards, Commissions and Lay-Committees shall be registered electors, and shall have resided in the City of Coos Bay for a period of one year. No appointee may serve on more than two City Boards, Commissions or Lay-Committees at any one time.

(3) **Term.** The term of all appointments shall be for three years. Appointments may be renewed for any number of terms.

(4) **Vacancies.** Any qualified citizen may submit a letter of interest for any open position on a city Board, Commission, or Lay-Committee. Vacancies shall be advertised in the local media, and letter of interest shall be received only during the time set forth in the advertisement.

(5) **Nomination and Confirmation.** Nominations for positions on City Boards, Commissions, or Lay-Committees may be made by the Mayor, or by any two

Councilors, and shall be subject to confirmation by the Council. Such nominations shall be in writing, and shall be submitted for consideration at least one week prior to the scheduled date for confirmation. Confirmation may be made by written ballot and shall require majority vote.

(6) **Notification of Expiration of Terms.** The Deputy Recorder shall give written notice to the Council of the expiration of the term of office of all members of City Boards, Commissions and Lay-Committees at least thirty (30) days prior to expiration date of any appointee's term of office.

(7) **Removal.** All lay members of City Boards, Commissions or Lay-Committees serve at the pleasure of the Council except as otherwise provided by law. All council seats on City Board of Commissions or Lay-Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission or Lay-Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed as a replacement.

#### 4.10.2 **Council Committees**

(1) **Creation and Dissolution.** Council Committees may be created at any time by resolution or motion. All Council Committees shall have a Chairman and Secretary, who may be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such committee shall report to the Council without unnecessary delay upon matters referred to them. All Council Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.

(2) **Membership.** Membership on such Council Committees shall include only sitting Councilors, who shall be appointed by the Presiding Officer, subject to confirmation by the Council. Council Committee appointments shall be for a term of one year, and Councilors may be reappointed for an indefinite number of terms.

(3) **Meetings.** Council Committee meetings may be called by the Chairman, or by any two members. A majority of the members of a Committee shall constitute a quorum to do business.

(4) **Committee of the Whole.** There shall be one standing committee of the Council, which shall be known as the Committee of the Whole. This committee shall sit as a body for investigation or study, as the need may be. The committee shall not take any official action which in committee, but shall make findings which shall be the basis of further Council action.

#### 4.10.3 **Meetings Subject to Oregon Open Meetings Law.** All meetings of any City Boards, Commissions, and Lay-Committees or Council Committee shall be subject



to and comply with the Oregon Public Meetings law, ORS 192.610-192.710.

- 4.10.4 **Quorums.** A majority of the then sitting members of any City Board, Commission, or Lay-Committee or Council Committee shall constitute a quorum to do business.
- 4.10.5 **Registry.** The Deputy Recorder shall prepare, keep current and retain on file in the Office of the Deputy Recorder a list of all appointees to all City Boards, Commissions, Lay-Committees and Council Committees, the date of their appointment, the length of their unexpired term, and their addressees and phone numbers. All councilors shall be given a copy of this list at least once yearly, or upon any substantial change in membership of any City Board, Commission, Lay-Committee or Council Committee.

#### **4.11 MISCELLANEOUS**

- 4.11.1 **Amendments to Council Rules.** Amendments to these rules shall be by made by resolution.
- 4.11.2 **Anonymous Communications.** Anonymous and unsigned communications shall not be introduced in Council meetings.

The foregoing Council Rules were adopted as amended by the City Council on the 19<sup>th</sup> day of December, 2000 by Resolution 00-40.

RULES OF THE CITY COUNCIL  
CITY OF COOS BAY

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Annotated to show the proposed additions and deletions to the existing Council rules. Proposed deletions are ~~lined through~~ and proposed additions are double underlined.

Subject matter of the original document was limited to Council meetings and thus it was formatted off the relevant section of the City Charter. While the rules have been modified over the years, the original formatting has not been adjusted. The proposed changes include the necessary reformatting.

Update as of 9/14/12

## **RULES OF THE CITY COUNCIL**

### **CITY OF COOS BAY**

#### **~~Rules of the City Council as provided in the Coos Bay City Charter~~ Chapter IV, Section 4.1**

#### **1. AUTHORIZATION, AMENDMENT, AND WAIVER**

These rules are authorized by the City Charter and the Coos Bay Municipal Ordinances. The Council shall review these rules periodically. Amendments shall be adopted by ordinance, as required by the Charter. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations or provisions of the City Charter. The Council may by majority vote in an open Council meeting waive any Council rule for a specific situation.

#### **2. COUNCIL MEETINGS**

##### **2.1 Meetings of the Council**

- 2.1.1 **Regular Council Meetings.** The Council shall hold two regular meetings, on the first and third Tuesday of each month, except in those cases where the Council finds it necessary to designate another date due to conflicts. Regular meetings shall be convened in the City Council Chambers in the City Hall, and shall be called to order at 7:00 p.m., and shall adjourn no later than 10:00 p.m.
- 2.1.2 **Executive Sessions.** Executive sessions may be called by the Presiding Officer, any two members of the Council, or the City Manager. Executive sessions shall be held in accordance with Oregon law. Only Council members, the City Manager, and persons specifically invited by the Council or the City Manager shall be allowed to attend executive sessions. 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. No matter discussed during executive session may be disclosed by any person present during such session, pursuant to State Statutes. No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such

executive session discussion.

Prior to opening an executive session, the Presiding Officer shall:

- 1) Announce the purpose of the executive session.
- 2) Announce if the Council intends on returning to an opening meeting at the conclusion of the executive session.
- 3) State statute authorizing the executive session.
- 4) Make notification to all present including the media that matters discussed in executive session are not to be disclosed or reported to the public.

An executive session may be held during any open meeting for which proper notice has been given or outside of any regular meeting when properly noticed. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered.

- 2.1.3 **Special Meetings.** Special meetings may be called by the Presiding Officer, by request of any ~~three~~ two Councilors, or by the City Manager. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings, and may be delivered by mail, email, electronic facsimile (FAX), or by personal delivery.
- 2.1.4 **Work Sessions.** Work sessions may be called by the Presiding Officer, by request of any two Councilors, or by the City Manager. Such sessions shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject provided that all discussions thereon shall be informal with no vote or formal action taken. While work sessions shall be open to the public, public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members.
- 2.1.5 **Emergency Meeting.** An "emergency meeting" is a special meeting called on less than 24 hours' notice. An "actual emergency," a random event which requires immediate action, must exist. The minutes of the meeting must describe the emergency justifying less than 24 hours' noticed. Attempts will be made to contact the media to provide notice of the emergency meeting.

## **2.2 Meeting Rules**

- 2.2.1 **Rules of Order.** Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order.

- 2.2.2 **Construction of Rules of Order.** The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose, and Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole, and confuse the audience at public meetings and the citizens in general.
- 2.2.3 ~~**Public Attendance.**~~ **Public Meetings Law.** ~~All regular and special meetings shall be open to the public. All meetings of the Council will be held in accordance with the Oregon public meeting requirements. No final action by the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at a proceeding that is open to the public.~~
- 2.2.4 **Anonymous Communications.** Anonymous and unsigned communications shall not be introduced in Council meetings.
- 2.2.5 **Suspension of Rules.** No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

### 2.3 The Presiding Officer

- 2.3.1 **The Mayor.** The Mayor shall preside at all regular and special meetings and executive sessions of the Council and shall be the recognized head of the City for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as presiding officer.
- 2.3.2 **Council President.** In the Mayor's absence from any Council meeting, the president shall act as the presiding officer. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the President shall act as Mayor Pro Tem. At the first meeting after each general biennial election, the Council shall by ballot elect a president from its membership as required by the City Charter.
- 2.3.3 **Temporary Chairman.** In event of the absence of the Mayor and Council President, the Deputy Recorder shall call the Council to order and call the roll of the members; if a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.

### 2.4 Employee Duties at Meetings of the Council

- 2.4.1 **City Manager.** The City Manager shall attend all meetings of the Council, unless excused by the Council. He or she shall make recommendations to the Council and shall take part in all discussions concerning the welfare of

the City.

- 2.4.2 **Deputy Recorder.** The Deputy Recorder shall be the Clerk for the Council and shall keep minutes of meetings and shall perform such other duties at the meetings as ordered by the Presiding Officer, the Council or the City Manager. The Deputy Recorder shall furnish each Councilor with a copy of the minutes of each preceding meeting in the agenda packet for the next meeting.
- 2.4.3 **City Attorney.** The City Attorney shall either in person or by deputy attend ~~all~~ regular Council sessions and other meetings of the Council as directed by the city manager. Any member of the Council may at any time call upon the City Attorney for an informal oral opinion. Written opinions shall be authorized by a majority of the Council. The City Attorney shall be the Parliamentarian, and shall advise the Presiding Officer on any questions of order.
- 2.4.4 **The Chief of Police.** The Chief of Police or his designee shall attend each Council meeting, and serve as the Sergeant-at-Arms. For the purpose of retaining order and decorum at the Council meetings, the Sergeant-at-Arms shall carry out all orders or instructions upon direction of the Presiding Officer, or upon any other procedure specifically provided by these rules, as allowed by law.
- 2.4.5 **Officers and Employees.** Any member of the City Council may request that the City Manager direct any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

## 2.5 DECORUM AND ORDER

- 2.5.1 **Presiding Officer.** The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the Council.
- 2.5.2 **Councilors.** Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- 2.5.3 **Staff and Public.** Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.
- 2.5.4 **Removal of Any Person.** Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting shall be removed

from the room if the Sergeant-at-Arms is so directed by the Presiding Officer. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, the Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed. Such person or persons may be barred from further audience before the Council and, in aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted.

- 2.5.5 **Censure.** The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Committee of the Whole upon a finding that a reasonable ground exists that a substantial violation has occurred.

The Committee of the Whole shall investigate the actions in executive session, and present a report to the Council in executive session, unless the Councilor requests the matter to be held in an open meeting. If held in and executive session. Neither the Committee of the Whole nor the Council or any member thereof shall have the right to make public any information obtained through such investigation.

Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

## 2.6 Duties and Privileges of Council Members

- 2.6.1. **Code of Ethics.** Councilors shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, social station or economic position.
- 2.6.2 **Debate.** Any Councilor who has the floor shall confine himself or herself to

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the question under debate, avoid personalities and refrain from impugning the motives of any member argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the Presiding Officer or the majority of the Council. No Councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

A Councilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order he or she shall be permitted to proceed; if ruled to be out of order he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.

- 2.6.3 **Right to Appeal.** Any member may appeal to the Council from a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the chair is sustained; otherwise it is overruled.
- 2.6.4 **Dissent and Protest.** Any Councilor shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or decision objected to.
- 2.6.5 **Excusal During the Meeting.** No member may leave the Council meeting while in regular session without permission from the Presiding Officer.
- 2.6.6 **Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

## 2.7 ORDER OF BUSINESS AND AGENDA

- 2.7.1 **Order of Business.** The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business:
- 1) Flag Salute
  - 2) ~~special orders of business~~ Public Comments
  - 3) Consent Calendar

- 4) ~~citizen requested agenda items~~ Special Orders of Business (proclamations & presentations)
- 5) Public Hearings
- 6) Public Contracts and Purchasing
- 7) Ordinances and Resolutions
- 8) Miscellaneous Items (including policy discussion and determination)
- 9) ~~public comments~~ City Attorney's Report
- 10) ~~city attorney's report~~ City Manager's Report
- 11) ~~city manager's report~~ Mayor and Council Comments
- 12) ~~mayor and council comments~~ Executive Session
- 13) ~~Executive Session~~ Adjournment
- 14) ~~Adjournment~~

## 2.7.2 Agendas.

- 2.7.2.1 Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting.
- 2.7.2.2 Agendas and informational material for regular meetings shall be distributed to the Council at least four days prior to the meeting.
- 2.7.2.3 The City Manager or Mayor may change the agenda at any time prior to the start of the Council meeting, and the presiding officer may change the agenda after the start of the meeting. A request to add an item ~~for Council consideration~~ to the Council agenda may be presented at the Council meeting but shall require a majority concurrence of the members present to be so added.
- 2.7.2.4 The Mayor or a Counselor who wishes to have an item placed on the written council agenda will advise the City Manager at least one week prior to the meeting. The City Manager shall determine where the item is placed on the agenda as an action item or as a discussion item.
- 2.7.2.5 A Council member who wishes to have staff undertake major research or drafting to prepare an action item shall raise the issue at a Council meeting, and the City Manager will take direction from the Council as a whole. The Council should consider requests from individual Council members in light of Council goals and priorities and staff workload and availability. Direction to proceed with an item does not commit the Council or any individual Council member to supporting an action when it comes before Council for a final decision.
- 2.7.2.6 New business brought before the Council in a meeting may be referred to the City Manager for a report at a future Council meeting.
- 2.7.2.7 Placing a matter for reconsideration on an agenda will require a motion to reconsider an action of the City Council and must be made by a member who voted with the prevailing side. It can be

seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council except that action relating to any contract may be reconsidered at any time before the final execution thereof.

- 2.7.3 **Special Orders of Business.** Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except the Flag Salute, Public Comments, and the Consent Calendar.
- 2.7.4 **Consent Calendar.** The approval of minutes, and other routine agenda items may be placed on the Consent Calendar. Discussion of the Consent Calendar shall be limited to five minutes. Any item may be removed from the Calendar and placed in its otherwise appropriate position in the order of business at the request of the Presiding Officer or of any two members of the Council.

## 2.8 CONSIDERATION OF BUSINESS

- 2.8.1 **Quorum.** A majority of the Council shall constitute a quorum to do business. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.
- 2.8.2 **Voting.** Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice; provided, however, upon demand by any member of the Council, a roll call vote shall be made upon any question before the Council. No Councilor may explain the reasons for his or her vote during the roll call.
- 2.8.3 **Procedure Generally.** When the question has been called for the Presiding Officer shall first ask for the Ayes followed by the Noes. After a vote has been taken the Presiding Officer shall announce the results of the vote.
- 2.8.4 **Voting Required.** Every member present when a question is called shall vote either Aye or No, unless the Council, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest under applicable law, in which case no consent is required. There shall be no debate on such a request. If any member declines to vote, and the result of such action would be to create a tie, that member's vote shall be counted as an aye; in all other situations, that member's vote shall be counted with the majority.
- ~~2.8.5 **Minimum Votes Required in Certain Situations.** The passage of any ordinance shall require the affirmative vote of at least a majority of the whole membership of the Council.~~
- 2.8.5 **Ayes and Noes.** On the passage of every Ordinance the vote shall be taken by Ayes and Noes and entered upon the record.
- 2.8.6 **Tie Vote.** In case of a tie in votes of any proposal, the proposal shall be

**Comment [r1]:** This is inconsistent with section 4.5 of the Charter, which states that the vote of the majority of the Council present is needed to pass any question before the Council.

considered lost.

## 2.9 PUBLIC COMMENT

- 2.9.1 **Policy.** The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desires to speak before the Council shall have the duty to exercise this right in a manner which furthers the greater public interest.
- 2.9.2 **Public Comment Generally.** Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of five minutes within which to make themselves heard. The Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner as it deems appropriate.
- 2.9.3 **Persons Sharing Common Concerns.** If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group shall select a spokesperson, who shall present the views of the group to the Council. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.
- 2.9.4 **Roster.** All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the Deputy Recorder, indicating the name of the person, the residence of the person, and the subject of public concern on which the persons or groups wishes to address the Council.
- 2.9.5 **Complaints and suggestions to the Council.** When any citizen brings a complaint before or makes a suggestion to the Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:
- 1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, a committee, the City Manager or the Committee of the Whole for study and recommendation.
  - 2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of

legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer shall then refer the complaint directly to the City Manager for his or her review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when his review has been made.

## **2.10 PROCEDURE FOR COUNCIL MEETINGS**

- 2.10.1 **Convening the Meeting.** At the time appointed, the presiding officer shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting the names of the members present.
- 2.10.2 **Recognition.** Every Councilor desiring to speak shall first address the chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.
- 2.10.3 **Requirement of a Second before Debate.** No motion shall be debated until it has been seconded and announced by the Presiding Officer.
- 2.10.4 **Motions Reduced to Writing.** Any Councilor may request that a motion be reduced to writing and read by the Deputy Recorder.
- 2.10.5 **Council Questions to Staff.** Every Councilor desiring to question the administrative staff shall address his or her question to the City Manager, who shall be entitled to either answer the inquiries or designate some member of the staff for that purpose. Questions of the City Attorney may be directed to the City Attorney.
- 2.10.6 **Citizen Participation.** Citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and questions regarding administration of the City shall be referred to the City Manager by the Presiding Officer.
- 2.10.7 **Precedence of Motions.** When a question is before the Council no motion shall be entertained except:
- 1) To abide by the rules
  - 2) To adjourn
  - 3) To lay on the table
  - 4) For the previous question
  - 5) To postpone to a certain date
  - 6) To refer
  - 7) To amend
  - 8) To postpone indefinitely

These motions shall have precedence in the order indicated. Any such

motion except a motion to amend shall be put to a vote without debate.

- 2.10.8 **Motions to be Stated by Presiding Officer/Withdrawal.** When a motion is made and seconded it shall be stated by the originator or the Presiding Officer if requested, before debate. A motion may not be withdrawn without the consent of the member seconding it the motion.

- 2.10.9 **Motion to Adjourn--When Not in Order--When Not Debatable.** A motion to adjourn will be in order at any time except as follows:

- 1) When made as an interruption of a member while speaking
- 2) When the previous question has been ordered
- 3) While a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

- 2.10.10 **Motion to Lay on the Table.** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.

- 2.10.11 **Division of Question.** If the question contains two or more divisionable propositions the Presiding Officer may upon request of the members shall, divide the same.

- 2.10.12 **Motion to Postpone.** All motions to postpone excepting to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

- 2.10.13 **Adjourned Meetings.** Upon motion and majority vote of Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting thereafter.

### **3. CITY BOARDS, COMMISSIONS, LAY-COMMITTEES AND COUNCIL COMMITTEES**

- 3.1 **City Boards, Commissions, and Lay-Committees.** Unless otherwise provided by statute, ordinance or resolution, the following shall be the procedure for the creation of and appointments to all City Boards, Commissions, and Lay-Committees:

- 3.1.1 **Creation and Dissolution.** At any time, the Council may by motion, ordinance or resolution establish any City Board, Commission or Lay-Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as a liaison(s) or members.

Unless otherwise provided, all City Boards, Commissions, and Lay-Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.

3.1.2 **Council Liaison Role.** As a council liaison to a City Board, Commission or Lay-Committee, a Council member's role is as follows:

- 1) As it is important for the City Board Commission or Lay-Committee (advisory body) to make objective recommendations to the Council on items before them, Council liaisons are prohibited from lobbying or attempting to influence the advisory body. However, nothing in this section precludes the Council member from explaining what the Council expects from the advisory body or explaining Council policy.
- 2) As a council liaison, Council members are precluded from voting on matters before the advisory body.
- 3) In the event a Council liaison is unable to attend a meeting of the advisory body, the liaison will either contact another Council member to act as a substitute or ask the Mayor to find a substitute.

These rules apply only when a Council member is acting in the capacity of a council liaison. It does not apply when the Council member is a member of a Board, Commission or Committee and does not apply to non-city bodies when the Council member is the representative of the City.

3.1.3 **Qualifications.** All appointees to City Boards, Commissions and Lay-Committees shall be registered electors, and shall have resided in the City of Coos Bay for a period of one year. No appointee may serve on more than two City Boards, Commissions or Committees at any one time. No appointee should serve on more than two City Boards, Commissions, and Lay-Committees simultaneously. No appointee may serve as a chair of more than one City Board, Commission, or Lay-Committee at any one time.

3.1.4 **Term.** The term of all appointments shall be for three years. Appointments may be renewed for any number of terms.

3.1.5 **Vacancies.** Any qualified citizen may submit a letter of interest for any open position on a City Board, Commission, or Lay-Committee. Vacancies shall be advertised in the local media, and letter of interest shall be received only during the time set forth in the advertisement.

3.1.6 **Nomination and Confirmation.** Nominations for positions on City Boards,

Commissions, or Lay-Committees may be made by the Mayor, or by any two Councilors, and shall be subject to confirmation by the Council. Such nominations shall be in writing, and shall be submitted for consideration at least one week prior to the scheduled date for confirmation. Confirmation may be made by written ballot and shall require majority vote. Nominations may also be made by application.

- 3.1.7 **Notification of Expiration of Terms.** The Deputy Recorder shall give written notice to the Council of the expiration of the term of office of all members of City Boards, Commissions and Lay-Committees at least thirty (30) days prior to expiration date of any appointee's term of office.
- 3.1.8 **Removal.** All lay members of City Boards, Commissions or Lay-Committees serve at the pleasure of the Council except as otherwise provided by law. All council seats on City Board of Commissions or Lay-Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission or Lay-Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed as a replacement.

### 3.2 Council Committees

- 3.2.1 **Creation and Dissolution.** Council Committees may be created at any time by resolution or motion. All Council Committees shall have a Chairman and Secretary, who may be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such committee shall report to the Council without unnecessary delay upon matters referred to them. All Council Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.
- 3.2.2 **Membership.** Membership on such Council Committees shall include only sitting Councilors, who shall be appointed by the Presiding Officer, subject to confirmation by the Council. Council Committee appointments shall be for a term of one year, and Councilors may be reappointed for an indefinite number of terms.
- 3.2.3 **Meetings.** Council Committee meetings may be called by the Chairman, or by any two members. A majority of the members of a Committee shall constitute a quorum to do business.
- 3.2.4 **Committee of the Whole.** There shall be one standing committee of the Council, which shall be known as the Committee of the Whole. This committee shall sit as a body for investigation or study, as the need may be.



The committee shall not take any official action which in committee, but shall make findings which shall be the basis of further Council action.

- 3.2.5 **Meetings Subject to Oregon Open Meetings Law.** All meetings of any City Boards, Commissions, and Lay-Committees or Council Committee shall be subject to and comply with the Oregon Public Meetings law, ~~ORS 192.640-192.710.~~
- 3.2.6 **Quorums.** A majority of the then sitting members of any City Board, Commission, or Lay-Committee or Council Committee shall constitute a quorum to do business.
- 3.2.7 **Registry.** The Deputy Recorder shall prepare, keep current and retain on file in the Office of the Deputy Recorder a list of all appointees to all City Boards, Commissions, Lay-Committees and Council Committees, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers. All councilors shall be given a copy of this list at least once yearly, or upon any substantial change in membership of any City Board, Commission, Lay-Committee or Council Committee.

#### **4. INTERACTION WITH CITY STAFF**

Based on the City Charter, the City utilizes the Council-Manager form of government which combines the strong political leadership of local elected officials (mayor and councilors (City Council)) with the strong managerial experience of an appointed manager. All power and authority to set policy rests with the City Council. The City Council in turn hires a nonpartisan manager who has very broad authority to run the organization.

All Council members will respect the separation between the Council's role and the City Manager's responsibilities by:

- 1) Refraining from interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.
- 2) Working together as a team within a spirit of mutual confidence and support.
- 3) Respecting the administrative functions of the City manager and department heads by refraining from actions which could undermine their authority. The Council will abide by the City Charter in its dealings with the City Manager.
- 4) Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Council members requiring significant staff time or resources (two hours or more) should normally require approval of the Council, although the City Manager may determine to follow up on requests from individual Councilors.

- 5) Councilors should never express concerns about the performance of a City employee in public, to the employee directly, or other city employees. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- 6) Nothing in this section precludes Council members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager.

## 5. PUBLIC RECORDS / EMAILS

- 5.1 **Public Record Defined.** A public record includes any document, book, paper, photograph, file, sound recording, machine readable electronic record or other material, regardless of physical form or characteristics, made, received, filed or recorded in connection with the transaction of public business, whether or not confidential or restricted in use.
- 5.2 **Electronic Records.** All communications on electronic office equipment have the same public records character as they would have had they been sent on paper. Any electronic communications that may be exempt from disclosure under state public records law should be clearly marked as confidential and exempt from disclosure. Electronic records in any way relating to the business of the city created on electronic equipment not owned or provided by the city may also be subject review and disclosure under Oregon Public Records law.
- 5.3 **Public Records.** Public records created or received by Council members, including electronic mail messages, will be retained in accordance with Oregon Public Records Law and the rules of the Secretary of State and State Archivist.
- 5.4 **Electronic Communications between Councilors.** City Councilors will be provided a City email account specifically for City business. While Councilors can communicate amongst themselves via email, those emails may not include a quorum and may not be forwarded to others in a manner which creates a quorum. All emails must be copied to the City Recorder for retention purposes.

## 6. AMENDMENTS TO COUNCIL RULES

Amendments to these rules shall be by made by resolution.

Annotated to show the proposed additions and deletions to the existing Council rules. Proposed deletions are ~~lined through~~ and proposed additions are double underlined.

Subject matter of the original document was limited to Council meetings and thus it was formatted off the relevant section of the City Charter. While the rules have been modified over the years, the original formatting has not been adjusted. The proposed changes include the necessary reformatting.

Update as of 10/30/2012

## **RULES OF THE CITY COUNCIL**

### **CITY OF COOS BAY**

#### **~~Rules of the City Council as provided in the Coos Bay City Charter~~ Chapter IV, Section 4.1**

#### **1. AUTHORIZATION, AMENDMENT, AND WAIVER**

These rules are authorized by the City Charter and the Coos Bay Municipal Ordinances. The Council shall review these rules periodically. Amendments shall be adopted by ordinance, as required by the Charter. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations or provisions of the City Charter. The Council may by majority vote in an open Council meeting waive any Council rule for a specific situation.

#### **2. COUNCIL MEETINGS**

##### **2.1 Meetings of the Council**

- 2.1.1 **Regular Council Meetings.** The Council shall hold two regular meetings, on the first and third Tuesday of each month, except in those cases where the Council finds it necessary to designate another date due to conflicts. Regular meetings shall be convened in the City Council Chambers in the City Hall, and shall be called to order at 7:00 p.m., and shall adjourn no later than 10:00 p.m.
- 2.1.2 **Executive Sessions.** Executive sessions may be called by the Presiding Officer, any two members of the Council, or the City Manager. Executive sessions shall be held in accordance with Oregon law. Only Council members, the City Manager, and persons specifically invited by the Council or the City Manager shall be allowed to attend executive sessions. 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. No matter discussed during executive session may be disclosed by any person present during such session, pursuant to State Statutes. No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such

executive session discussion.

Prior to opening an executive session, the Presiding Officer shall:

- 1) Announce the purpose of the executive session.
- 2) Announce if the Council intends on returning to an opening meeting at the conclusion of the executive session.
- 3) State statute authorizing the executive session.
- 4) Make notification to all present including the media that matters discussed in executive session are not to be disclosed or reported to the public.

An executive session may be held during any open meeting for which proper notice has been given or outside of any regular meeting when properly noticed. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered.

- 2.1.3 **Special Meetings.** Special meetings may be called by the Presiding Officer, by request of any ~~three~~ two Councilors, or by the City Manager. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings, and may be delivered by mail, email, electronic facsimile (FAX), or by personal delivery.
- 2.1.4 **Work Sessions.** Work sessions may be called by the Presiding Officer, by request of any two Councilors, or by the City Manager. Such sessions shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject provided that all discussions thereon shall be informal with no vote or formal action taken. While work sessions shall be open to the public, public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members.
- 2.1.5 **Emergency Meeting.** An "emergency meeting" is a special meeting called on less than 24 hours' notice. An "actual emergency," a random event which requires immediate action, must exist. The minutes of the meeting must describe the emergency justifying less than 24 hours' noticed. Attempts will be made to contact the media to provide notice of the emergency meeting.

## **2.2 Meeting Rules**

- 2.2.1 **Rules of Order.** Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order.

- 2.2.2 **Construction of Rules of Order.** The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose, and Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole, and confuse the audience at public meetings and the citizens in general.
- 2.2.3 ~~**Public Attendance.**~~ **Public Meetings Law.** ~~All regular and special meetings shall be open to the public. All meetings of the Council will be held in accordance with the Oregon public meeting requirements. No final action by the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at a proceeding that is open to the public.~~
- 2.2.4 **Anonymous Communications.** Anonymous and unsigned communications shall not be introduced in Council meetings.
- 2.2.5 **Suspension of Rules.** No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

### 2.3 The Presiding Officer

- 2.3.1 **The Mayor.** The Mayor shall preside at all regular and special meetings and executive sessions of the Council and shall be the recognized head of the City for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as presiding officer.
- 2.3.2 **Council President.** In the Mayor's absence from any Council meeting, the president shall act as the presiding officer. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the President shall act as Mayor Pro Tem. At the first meeting after each general biennial election, the Council shall by ballot elect a president from its membership as required by the City Charter.
- 2.3.3 **Temporary Chairman.** In event of the absence of the Mayor and Council President, the Deputy Recorder shall call the Council to order and call the roll of the members; if a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.

### 2.4 Employee Duties at Meetings of the Council

- 2.4.1 **City Manager.** The City Manager shall attend all meetings of the Council, unless excused by the Council. He or she shall make recommendations to the Council and shall take part in all discussions concerning the welfare of



the City.

- 2.4.2 **Deputy Recorder.** The Deputy Recorder shall be the Clerk for the Council and shall keep minutes of meetings and shall perform such other duties at the meetings as ordered by the Presiding Officer, the Council or the City Manager. The Deputy Recorder shall furnish each Councilor with a copy of the minutes of each preceding meeting in the agenda packet for the next meeting.
- 2.4.3 **City Attorney.** The City Attorney shall either in person or by deputy attend ~~all~~ regular Council sessions and other meetings of the Council as directed by the city manager. Any member of the Council may at any time call upon the City Attorney for an informal oral opinion. Written opinions shall be authorized by a majority of the Council. The City Attorney shall be the Parliamentarian, and shall advise the Presiding Officer on any questions of order.
- 2.4.4 **The Chief of Police.** The Chief of Police or his designee shall attend each Council meeting, and serve as the Sergeant-at-Arms. For the purpose of retaining order and decorum at the Council meetings, the Sergeant-at-Arms shall carry out all orders or instructions upon direction of the Presiding Officer, or upon any other procedure specifically provided by these rules, as allowed by law.
- 2.4.5 **Officers and Employees.** Any member of the City Council may request that the City Manager direct any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

## 2.5 DECORUM AND ORDER

- 2.5.1 **Presiding Officer.** The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the Council.
- 2.5.2 **Councilors.** Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- 2.5.3 **Staff and Public.** Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.
- 2.5.4 **Removal of Any Person.** Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting shall be removed

from the room if the Sergeant-at-Arms is so directed by the Presiding Officer. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, the Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed. Such person or persons may be barred from further audience before the Council and, in aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted.

- 2.5.5 **Censure.** The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Committee of the Whole upon a finding that a reasonable ground exists that a substantial violation has occurred.

The Committee of the Whole shall investigate the actions in executive session, and present a report to the Council in executive session, unless the Councilor requests the matter to be held in an open meeting. If held in and executive session. Neither the Committee of the Whole nor the Council or any member thereof shall have the right to make public any information obtained through such investigation.

Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

## 2.6 Duties and Privileges of Council Members

- 2.6.1. **Code of Ethics.** Councilors shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, social station or economic position.
- 2.6.2 **Debate.** Any Councilor who has the floor shall confine himself or herself to

the question under debate, avoid personalities and refrain from impugning the motives of any member argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the Presiding Officer or the majority of the Council. No Councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

A Councilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order he or she shall be permitted to proceed; if ruled to be out of order he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.

- 2.6.3 **Right to Appeal.** Any member may appeal to the Council from a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the chair is sustained; otherwise it is overruled.
- 2.6.4 **Dissent and Protest.** Any Councilor shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or decision objected to.
- 2.6.5 **Excusal During the Meeting.** No member may leave the Council meeting while in regular session without permission from the Presiding Officer.
- 2.6.6 **Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

## 2.7 ORDER OF BUSINESS AND AGENDA

- 2.7.1 **Order of Business.** The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business:
  - 1) Flag Salute
  - 2) ~~special orders of business~~ Public Comments
  - 3) Consent Calendar

- 4) ~~citizen requested agenda items~~ Special Orders of Business (proclamations & presentations)
- 5) Public Hearings
- 6) Public Contracts and Purchasing
- 7) Ordinances and Resolutions
- 8) Miscellaneous Items (including policy discussion and determination)
- 9) ~~public comments~~ City Attorney's Report
- 10) ~~city attorney's report~~ City Manager's Report
- 11) ~~city manager's report~~ Mayor and Council Comments
- 12) ~~mayor and council comments~~ Executive Session
- 13) ~~Executive Session~~ Adjournment
- 14) ~~Adjournment~~

## 2.7.2 Agendas.

- 2.7.2.1 Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting.
- 2.7.2.2 Agendas and informational material for regular meetings shall be distributed to the Council at least four days prior to the meeting.
- 2.7.2.3 The City Manager or Mayor may change the agenda at any time prior to the start of the Council meeting, and the presiding officer may change the agenda after the start of the meeting. A request to add an item ~~for Council consideration~~ to the Council agenda may be presented at the Council meeting but shall require a majority concurrence of the members present to be so added.
- 2.7.2.4 The Mayor or a Counselor who wishes to have an item placed on the written council agenda will advise the City Manager at least one week prior to the meeting. The City Manager shall determine where the item is placed on the agenda as an action item or as a discussion item.
- 2.7.2.5 A Council member who wishes to have staff undertake major research or drafting to prepare an action item shall raise the issue at a Council meeting, and the City Manager will take direction from the Council as a whole. The Council should consider requests from individual Council members in light of Council goals and priorities and staff workload and availability. Direction to proceed with an item does not commit the Council or any individual Council member to supporting an action when it comes before Council for a final decision.
- 2.7.2.6 New business brought before the Council in a meeting may be referred to the City Manager for a report at a future Council meeting.
- 2.7.2.7 Placing a matter for reconsideration on an agenda will require a motion to reconsider an action of the City Council and must be made by a member who voted with the prevailing side. It can be



seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council except that action relating to any contract may be reconsidered at any time before the final execution thereof.

- 2.7.3 **Special Orders of Business.** Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except the Flag Salute, Public Comments, and the Consent Calendar.
- 2.7.4 **Consent Calendar.** The approval of minutes, and other routine agenda items may be placed on the Consent Calendar. Discussion of the Consent Calendar shall be limited to five minutes. Any item may be removed from the Calendar and placed in its otherwise appropriate position in the order of business at the request of the Presiding Officer or of any two members of the Council.

## 2.8 CONSIDERATION OF BUSINESS

- 2.8.1 **Quorum.** A majority of the Council shall constitute a quorum to do business. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.
- 2.8.2 **Voting.** Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice; provided, however, upon demand by any member of the Council, a roll call vote shall be made upon any question before the Council. No Councilor may explain the reasons for his or her vote during the roll call.
- 2.8.3 **Procedure Generally.** When the question has been called for the Presiding Officer shall first ask for the Ayes followed by the Noes. After a vote has been taken the Presiding Officer shall announce the results of the vote.
- 2.8.4 **Voting Required.** Every member present when a question is called shall vote either Aye or No, unless the Council, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest under applicable law, in which case no consent is required. There shall be no debate on such a request. If any member declines to vote, and the result of such action would be to create a tie, that member's vote shall be counted as an aye; in all other situations, that member's vote shall be counted with the majority.
- ~~2.8.5 **Minimum Votes Required in Certain Situations.** The passage of any ordinance shall require the affirmative vote of at least a majority of the whole membership of the Council.~~
- 2.8.5 **Ayes and Noes.** On the passage of every Ordinance the vote shall be taken by Ayes and Noes and entered upon the record.
- 2.8.6 **Tie Vote.** In case of a tie in votes of any proposal, the proposal shall be

**Comment [r1]:** This is inconsistent with section 4.5 of the Charter, which states that the vote of the majority of the Council present is needed to pass any question before the Council.

considered lost.

## 2.9 PUBLIC COMMENT

- 2.9.1 **Policy.** The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desires to speak before the Council shall have the duty to exercise this right in a manner which furthers the greater public interest.
- 2.9.2 **Public Comment Generally.** Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of five minutes within which to make themselves heard. The Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner as it deems appropriate.
- 2.9.3 **Persons Sharing Common Concerns.** If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group shall select a spokesperson, who shall present the views of the group to the Council. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.
- 2.9.4 **Roster.** All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the Deputy Recorder, indicating the name of the person, the residence of the person, and the subject of public concern on which the persons or groups wishes to address the Council.
- 2.9.5 **Complaints and suggestions to the Council.** When any citizen brings a complaint before or makes a suggestion to the Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:
- 1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, a committee, the City Manager or the Committee of the Whole for study and recommendation.
  - 2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of

legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer shall then refer the complaint directly to the City Manager for his or her review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when his review has been made.

## **2.10 PROCEDURE FOR COUNCIL MEETINGS**

- 2.10.1 **Convening the Meeting.** At the time appointed, the presiding officer shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting the names of the members present.
- 2.10.2 **Recognition.** Every Councilor desiring to speak shall first address the chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.
- 2.10.3 **Requirement of a Second before Debate.** No motion shall be debated until it has been seconded and announced by the Presiding Officer.
- 2.10.4 **Motions Reduced to Writing.** Any Councilor may request that a motion be reduced to writing and read by the Deputy Recorder.
- 2.10.5 **Council Questions to Staff.** Every Councilor desiring to question the administrative staff shall address his or her question to the City Manager, who shall be entitled to either answer the inquiries or designate some member of the staff for that purpose. Questions of the City Attorney may be directed to the City Attorney.
- 2.10.6 **Citizen Participation.** Citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and questions regarding administration of the City shall be referred to the City Manager by the Presiding Officer.
- 2.10.7 **Precedence of Motions.** When a question is before the Council no motion shall be entertained except:
- 1) To abide by the rules
  - 2) To adjourn
  - 3) To lay on the table
  - 4) For the previous question
  - 5) To postpone to a certain date
  - 6) To refer
  - 7) To amend
  - 8) To postpone indefinitely

These motions shall have precedence in the order indicated. Any such

motion except a motion to amend shall be put to a vote without debate.

- 2.10.8 **Motions to be Stated by Presiding Officer/Withdrawal.** When a motion is made and seconded it shall be stated by the originator or the Presiding Officer if requested, before debate. A motion may not be withdrawn without the consent of the member seconding it the motion.

- 2.10.9 **Motion to Adjourn--When Not in Order--When Not Debatable.** A motion to adjourn will be in order at any time except as follows:

- 1) When made as an interruption of a member while speaking
- 2) When the previous question has been ordered
- 3) While a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

- 2.10.10 **Motion to Lay on the Table.** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.

- 2.10.11 **Division of Question.** If the question contains two or more divisionable propositions the Presiding Officer may upon request of the members shall, divide the same.

- 2.10.12 **Motion to Postpone.** All motions to postpone excepting to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

- 2.10.13 **Adjourned Meetings.** Upon motion and majority vote of Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting thereafter.

### **3. CITY BOARDS, COMMISSIONS, LAY-COMMITTEES AND COUNCIL COMMITTEES**

- 3.1 **City Boards, Commissions, and Lay-Committees.** Unless otherwise provided by statute, ordinance or resolution, the following shall be the procedure for the creation of and appointments to all City Boards, Commissions, and Lay-Committees:

- 3.1.1 **Creation and Dissolution.** At any time, the Council may by motion, ordinance or resolution establish any City Board, Commission or Lay-Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as a liaison(s) or members.



Unless otherwise provided, all City Boards, Commissions, and Lay-Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.

- 3.1.2 **Qualifications.** All appointees to City Boards, Commissions and Lay-Committees shall be registered electors, and shall have resided in the City of Coos Bay for a period of one year. No appointee may serve on more than two City Boards, Commissions or Committees at any one time. No appointee should serve on more than two City Boards, Commissions, and Lay-Committees simultaneously. No appointee may serve as a chair of more than one City Board, Commission, or Lay-Committee at any one time.
- 3.1.3 **Term.** The term of all appointments shall be for three years. Appointments may be renewed for any number of terms.
- 3.1.4 **Vacancies.** Any qualified citizen may submit a letter of interest for any open position on a City Board, Commission, or Lay-Committee. Vacancies shall be advertised in the local media, and letter of interest shall be received only during the time set forth in the advertisement.
- 3.1.5 **Nomination and Confirmation.** Nominations for positions on City Boards, Commissions, or Lay-Committees may be made by the Mayor, or by any two Councilors, and shall be subject to confirmation by the Council. Such nominations shall be in writing, and shall be submitted for consideration at least one week prior to the scheduled date for confirmation. Confirmation may be made by written ballot and shall require majority vote. Nominations may also be made by application.
- 3.1.6 **Notification of Expiration of Terms.** The Deputy Recorder shall give written notice to the Council of the expiration of the term of office of all members of City Boards, Commissions and Lay-Committees at least thirty (30) days prior to expiration date of any appointee's term of office.
- 3.1.7 **Removal.** All lay members of City Boards, Commissions or Lay-Committees serve at the pleasure of the Council except as otherwise provided by law. All council seats on City Board of Commissions or Lay-Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission or Lay-Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed as a replacement.

### 3.2 Council Committees

- 3.2.1 **Creation and Dissolution.** Council Committees may be created at any time by resolution or motion. All Council Committees shall have a Chairman and Secretary, who may be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such committee shall report to the Council without unnecessary delay upon matters referred to them. All Council Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.
- 3.2.2 **Membership.** Membership on such Council Committees shall include only sitting Councilors, who shall be appointed by the Presiding Officer, subject to confirmation by the Council. Council Committee appointments shall be for a term of one year, and Councilors may be reappointed for an indefinite number of terms.
- 3.2.3 **Meetings.** Council Committee meetings may be called by the Chairman, or by any two members. A majority of the members of a Committee shall constitute a quorum to do business.
- 3.2.4 **Committee of the Whole.** There shall be one standing committee of the Council, which shall be known as the Committee of the Whole. This committee shall sit as a body for investigation or study, as the need may be. The committee shall not take any official action which in committee, but shall make findings which shall be the basis of further Council action.
- 3.2.5 **Meetings Subject to Oregon Open Meetings Law.** All meetings of any City Boards, Commissions, and Lay-Committees or Council Committee shall be subject to and comply with the Oregon Public Meetings law, ~~ORS 192.640-492.740~~.
- 3.2.6 **Quorums.** A majority of the then sitting members of any City Board, Commission, or Lay-Committee or Council Committee shall constitute a quorum to do business.
- 3.2.7 **Registry.** The Deputy Recorder shall prepare, keep current and retain on file in the Office of the Deputy Recorder a list of all appointees to all City Boards, Commissions, Lay-Committees and Council Committees, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers. All councilors shall be given a copy of this list at least once yearly, or upon any substantial change in membership of any City Board, Commission, Lay-Committee or Council Committee.

#### 4. INTERACTION WITH CITY STAFF

Based on the City Charter, the City utilizes the Council-Manager form of government which combines the strong political leadership of local elected officials (mayor and councilors (City Council)) with the strong managerial experience of an appointed manager. All power and authority to set policy rests with the City Council. The City Council in turn hires a nonpartisan manager who has very broad authority to run the organization.

All Council members will respect the separation between the Council's role and the City Manager's responsibilities by:

- 1) Refraining from interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.
- 2) Working together as a team within a spirit of mutual confidence and support.
- 3) Respecting the administrative functions of the City manager and department heads by refraining from actions which could undermine their authority. The Council will abide by the City Charter in its dealings with the City Manager.
- 4) Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Council members requiring significant staff time or resources (two hours or more) should normally require approval of the Council, although the City Manager may determine to follow up on requests from individual Councilors.
- 5) Councilors should never express concerns about the performance of a City employee in public, to the employee directly, or other city employees. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- 6) Nothing in this section precludes Council members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager.

#### 5. PUBLIC RECORDS / EMAILS

- 5.1 **Public Record Defined.** A public record includes any document, book, paper, photograph, file, sound recording, machine readable electronic record or other material, regardless of physical form or characteristics, made, received, filed or recorded in connection with the transaction of public business, whether or not confidential or restricted in use.
- 5.2 **Electronic Records.** All communications on electronic office equipment have the same public records character as they would have had they been sent on paper. Any electronic communications that may be exempt from disclosure under state

public records law should be clearly marked as confidential and exempt from disclosure. Electronic records in any way relating to the business of the city created on electronic equipment not owned or provided by the city may also be subject review and disclosure under Oregon Public Records law.

- 5.3 **Public Records.** Public records created or received by Council members, including electronic mail messages, will be retained in accordance with Oregon Public Records Law and the rules of the Secretary of State and State Archivist.
- 5.4 **Electronic Communications between Councilors.** City Councilors will be provided a City email account specifically for City business. While Councilors can communicate amongst themselves via email, those emails may not include a quorum and may not be forwarded to others in a manner which creates a quorum. All emails must be copied to the City Recorder for retention purposes.

## **6. AMENDMENTS TO COUNCIL RULES**

Amendments to these rules shall be by made by resolution.



**City of Coos Bay**

**Resolution 12-23**

**A RESOLUTION OF THE CITY OF COOS BAY, COOS COUNTY, OREGON AMENDING THE RULES OF THE CITY COUNCIL AS PROVIDED IN THE CITY CHARTER, CHAPTER IV, AS ALLOWED BY THE COOS BAY CITY CHARTER AND THE OREGON REVISED STATUTES.**

WHEREAS, Resolution 83-1 adopted December 29, 1983 and amended on December 1, 1986, March 23, 1987, October 17, 1995, and December 5, 2000 sets forth the rules by which the City Council conducts its business; and

WHEREAS, the City Council finds it desirable to amend the resolution to reflect changes which they chose to make in the rules;

NOW, THEREFORE, BE IT RESOLVED THAT, the Coos Bay City Council hereby adopts the amended Council Rules which are attached hereto and made a part thereby.

The foregoing resolution was duly adopted by the City Council of the City of Coos Bay, Coos County, Oregon this 6<sup>th</sup> day of November 2012.

\_\_\_\_\_  
Crystal Shoji, Mayor

ATTEST:

\_\_\_\_\_  
Susanne Baker, City Recorder

## **RULES OF THE CITY COUNCIL**

### **CITY OF COOS BAY**

#### **1. AUTHORIZATION, AMENDMENT, AND WAIVER**

These rules are authorized by the City Charter and the Coos Bay Municipal Ordinances. The Council shall review these rules periodically. Amendments shall be adopted by ordinance, as required by the Charter. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations or provisions of the City Charter. The Council may by majority vote in an open Council meeting waive any Council rule for a specific situation.

#### **2. COUNCIL MEETINGS**

##### **2.1 Meetings of the Council**

**2.1.1 Regular Council Meetings.** The Council shall hold two regular meetings, on the first and third Tuesday of each month, except in those cases where the Council finds it necessary to designate another date due to conflicts. Regular meetings shall be convened in the City Council Chambers in the City Hall, and shall be called to order at 7:00 p.m., and shall adjourn no later than 10:00 p.m.

**2.1.2 Executive Sessions.** Executive sessions may be called by the Presiding Officer, any two members of the Council, or the City Manager. Executive sessions shall be held in accordance with Oregon law. Only Council members, the City Manager, and persons specifically invited by the Council or the City Manager shall be allowed to attend executive sessions. 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. No matter discussed during executive session may be disclosed by any person present during such session, pursuant to State Statutes. No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.

Prior to opening an executive session, the Presiding Officer shall:

- 1) Announce the purpose of the executive session,
- 2) Announce if the Council intends on returning to an opening meeting at the conclusion of the executive session.
- 3) State statute authorizing the executive session,
- 4) Make notification to all present including the media that matters discussed in executive session are not to be disclosed or reported to the public.

An executive session may be held during any open meeting for which proper notice has been given or outside of any regular meeting when

properly noticed. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered.

- 2.1.3 **Special Meetings.** Special meetings may be called by the Presiding Officer, by request of any ~~three~~ two Councilors, or by the City Manager. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings, and may be delivered by mail, email, electronic facsimile (FAX), or by personal delivery.
- 2.1.4 **Work Sessions.** Work sessions may be called by the Presiding Officer, by request of any two Councilors, or by the City Manager. Such sessions shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject provided that all discussions thereon shall be informal with **no vote or formal action** taken. While work sessions shall be open to the public, public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members.
- 2.1.5 **Emergency Meeting.** An “emergency meeting” is a special meeting called on less than 24 hours’ notice. An “actual emergency,” a random event which requires immediate action, must exist. The minutes of the meeting must describe the emergency justifying less than 24 hours’ notice. Attempts will be made to contact the media to provide notice of the emergency meeting.

## 2.2 Meeting Rules

- 2.2.1 **Rules of Order.** Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by Robert’s Rules of Order.
- 2.2.2 **Construction of Rules of Order.** The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose, and Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole, and confuse the audience at public meetings and the citizens in general.
- 2.2.3 **Public Meetings Law.** All meetings of the Council will be held in accordance with the Oregon public meeting requirements. No final action by the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at a proceeding that is open to the public.
- 2.2.4 **Anonymous Communications.** Anonymous and unsigned communications shall not be introduced in Council meetings.

- 2.2.5 **Suspension of Rules.** No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

## 2.3 The Presiding Officer

- 2.3.1 **The Mayor.** The Mayor shall preside at all regular and special meetings and executive sessions of the Council and shall be the recognized head of the City for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as presiding officer.
- 2.3.2 **Council President.** In the Mayor's absence from any Council meeting, the president shall act as the presiding officer. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the President shall act as Mayor Pro Tem. At the first meeting after each general biennial election, the Council shall by ballot elect a president from its membership as required by the City Charter.
- 2.3.3 **Temporary Chairman.** In event of the absence of the Mayor and Council President, the Deputy Recorder shall call the Council to order and call the roll of the members; if a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.

## 2.4 Employee Duties at Meetings of the Council

- 2.4.1 **City Manager.** The City Manager shall attend all meetings of the Council, unless excused by the Council. He or she shall make recommendations to the Council and shall take part in all discussions concerning the welfare of the City.
- 2.4.2 **Deputy Recorder.** The Deputy Recorder shall be the Clerk for the Council and shall keep minutes of meetings and shall perform such other duties at the meetings as ordered by the Presiding Officer, the Council or the City Manager. The Deputy Recorder shall furnish each Councilor with a copy of the minutes of each preceding meeting in the agenda packet for the next meeting.
- 2.4.3 **City Attorney.** The City Attorney shall either in person or by deputy attend regular Council sessions and other meetings of the Council as directed by the city manager. Any member of the Council may at any time call upon the City Attorney for an informal oral opinion. Written opinions shall be authorized by a majority of the Council. The City Attorney shall be the Parliamentarian, and shall advise the Presiding Officer on any questions of order.

- 2.4.4 **The Chief of Police.** The Chief of Police or his designee shall attend each Council meeting, and serve as the Sergeant-at-Arms. For the purpose of retaining order and decorum at the Council meetings, the Sergeant-at-Arms shall carry out all orders or instructions upon direction of the Presiding Officer, or upon any other procedure specifically provided by these rules, as allowed by law.
- 2.4.5 **Officers and Employees.** Any member of the City Council may request that the City Manager direct any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

## 2.5 DECORUM AND ORDER

- 2.5.1 **Presiding Officer.** The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the Council.
- 2.5.2 **Councilors.** Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- 2.5.3 **Staff and Public.** Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.
- 2.5.4 **Removal of Any Person.** Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting shall be removed from the room if the Sergeant-at-Arms is so directed by the Presiding Officer. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, the Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed. Such person or persons may be barred from further audience before the Council and, in aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted.
- 2.5.5 **Censure.** The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.



To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Committee of the Whole upon a finding that a reasonable ground exists that a substantial violation has occurred.

The Committee of the Whole shall investigate the actions in executive session, and present a report to the Council in executive session, unless the Councilor requests the matter to be held in an open meeting. If held in an executive session, neither the Committee of the Whole nor the Council or any member thereof shall have the right to make public any information obtained through such investigation.

Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

## **2.6 Duties and Privileges of Council Members**

2.6.1. **Code of Ethics.** Councilors shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, social station or economic position.

2.6.2 **Debate.** Any Councilor who has the floor shall confine himself or herself to the question under debate, avoid personalities and refrain from impugning the motives of any member argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the Presiding Officer or the majority of the Council. No Councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

A Councilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order he or she shall be permitted to proceed; if ruled to be out of order he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.

- 2.6.3 **Right to Appeal.** Any member may appeal to the Council from a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the chair is sustained; otherwise it is overruled.
- 2.6.4 **Dissent and Protest.** Any Councilor shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or decision objected to.
- 2.6.5 **Excusal During the Meeting.** No member may leave the Council meeting while in regular session without permission from the Presiding Officer.
- 2.6.6 **Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

## **2.7 ORDER OF BUSINESS AND AGENDA**

- 2.7.1 **Order of Business.** The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business:
- 1) Flag Salute
  - 2) Public Comments
  - 3) Consent Calendar
  - 4) Special Orders of Business (proclamations & presentations)
  - 5) Public Hearings
  - 6) Public Contracts and Purchasing
  - 7) Ordinances and Resolutions
  - 8) Miscellaneous Items (including policy discussion and determination)
  - 9) City Attorney's Report
  - 10) City Manager's Report
  - 11) Mayor and Council Comments
  - 12) Executive Session
  - 13) Adjournment
- 2.7.2 **Agendas.**
- 2.7.2.1 Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting.

- 2.7.2.2 Agendas and informational material for regular meetings shall be distributed to the Council at least four days prior to the meeting.
- 2.7.2.3 The City Manager or Mayor may change the agenda at any time prior to the start of the Council meeting, and the presiding officer may change the agenda after the start of the meeting. A request to add an item to the Council agenda may be presented at the Council meeting but shall require a majority concurrence of the members present to be so added.
- 2.7.2.4 The Mayor or a Counselor who wishes to have an item placed on the written council agenda will advise the City Manager at least one week prior to the meeting. The City Manager shall determine where the item is placed on the agenda as an action item or as a discussion item.
- 2.7.2.5 A Council member who wishes to have staff undertake major research or drafting to prepare an action item shall raise the issue at a Council meeting, and the City Manager will take direction from the Council as a whole. The Council should consider requests from individual Council members in light of Council goals and priorities and staff workload and availability. Direction to proceed with an item does not commit the Council or any individual Council member to supporting an action when it comes before Council for a final decision.
- 2.7.2.6 New business brought before the Council in a meeting may be referred to the City Manager for a report at a future Council meeting.
- 2.7.2.7 Placing a matter for reconsideration on an agenda will require a motion to reconsider an action of the City Council and must be made by a member who voted with the prevailing side. It can be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council except that action relating to any contract may be reconsidered at any time before the final execution thereof.
- 2.7.3 **Special Orders of Business.** Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except the Flag Salute, Public Comments, and the Consent Calendar.
- 2.7.4 **Consent Calendar.** The approval of minutes, and other routine agenda items may be placed on the Consent Calendar. Discussion of the Consent Calendar shall be limited to five minutes. Any item may be removed from the Calendar and placed in its otherwise appropriate position in the order of business at the request of the Presiding Officer or of any two members of the Council.

## 2.8 CONSIDERATION OF BUSINESS

- 2.8.1 **Quorum.** A majority of the Council shall constitute a quorum to do business. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.
- 2.8.2 **Voting.** Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice; provided, however, upon demand by any member of the Council, a roll call vote shall be made upon any question before the Council. No Councilor may explain the reasons for his or her vote during the roll call.
- 2.8.3 **Procedure Generally.** When the question has been called for the Presiding Officer shall first ask for the Ayes followed by the Noes. After a vote has been taken the Presiding Officer shall announce the results of the vote.
- 2.8.4 **Voting Required.** Every member present when a question is called shall vote either Aye or No, unless the Council, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest under applicable law, in which case no consent is required. There shall be no debate on such a request. If any member declines to vote, and the result of such action would be to create a tie, that member's vote shall be counted as an aye; in all other situations, that member's vote shall be counted with the majority.
- 2.8.5 **Ayes and Noes.** On the passage of every Ordinance the vote shall be taken by Ayes and Noes and entered upon the record.
- 2.8.6 **Tie Vote.** In case of a tie in votes of any proposal, the proposal shall be considered lost.

## 2.9 PUBLIC COMMENT

- 2.9.1 **Policy.** The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desires to speak before the Council shall have the duty to exercise this right in a manner which furthers the greater public interest.
- 2.9.2 **Public Comment Generally.** Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of five minutes within which to make themselves heard. The Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner as it deems appropriate.
- 2.9.3 **Persons Sharing Common Concerns.** If any group of three or more

persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group shall select a spokesperson, who shall present the views of the group to the Council. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.

- 2.9.4 **Roster.** All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the Deputy Recorder, indicating the name of the person, the residence of the person, and the subject of public concern on which the persons or groups wishes to address the Council.
- 2.9.5 **Complaints and suggestions to the Council.** When any citizen brings a complaint before or makes a suggestion to the Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- 1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, a committee, the City Manager or the Committee of the Whole for study and recommendation.
- 2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer shall then refer the complaint directly to the City Manager for his or her review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when his review has been made.

## 2.10 PROCEDURE FOR COUNCIL MEETINGS

- 2.10.1 **Convening the Meeting.** At the time appointed, the presiding officer shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting the names of the members present.
- 2.10.2 **Recognition.** Every Councilor desiring to speak shall first address the chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.
- 2.10.3 **Requirement of a Second before Debate.** No motion shall be debated until it has been seconded and announced by the Presiding Officer.
- 2.10.4 **Motions Reduced to Writing.** Any Councilor may request that a motion



be reduced to writing and read by the Deputy Recorder.

- 2.10.5 **Council Questions to Staff.** Every Councilor desiring to question the administrative staff shall address his or her question to the City Manager, who shall be entitled to either answer the inquiries or designate some member of the staff for that purpose. Questions of the City Attorney may be directed to the City Attorney.
- 2.10.6 **Citizen Participation.** Citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and questions regarding administration of the City shall be referred to the City Manager by the Presiding Officer.
- 2.10.7 **Precedence of Motions.** When a question is before the Council no motion shall be entertained except:
- 1) To abide by the rules
  - 2) To adjourn
  - 3) To lay on the table
  - 4) For the previous question
  - 5) To postpone to a certain date
  - 6) To refer
  - 7) To amend
  - 8) To postpone indefinitely

These motions shall have precedence in the order indicated. Any such motion except a motion to amend shall be put to a vote without debate.

- 2.10.8 **Motions to be Stated by Presiding Officer/Withdrawal.** When a motion is made and seconded it shall be stated by the originator or the Presiding Officer, if requested, before debate. A motion may not be withdrawn without the consent of the member seconding the motion.
- 2.10.9 **Motion to Adjourn--When Not in Order--When Not Debatable.** A motion to adjourn will be in order at any time except as follows:
- 1) When made as an interruption of a member while speaking
  - 2) When the previous question has been ordered
  - 3) While a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

- 2.10.10 **Motion to Lay on the Table.** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of

two-thirds of the members present.

- 2.10.11 **Division of Question.** If the question contains two or more divisionable propositions the Presiding Officer may upon request of the members shall, divide the same.
- 2.10.12 **Motion to Postpone.** All motions to postpone excepting to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.
- 2.10.13 **Adjourned Meetings.** Upon motion and majority vote of Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting thereafter.

### 3. CITY BOARDS, COMMISSIONS, LAY-COMMITTEES AND COUNCIL COMMITTEES

- 3.1 **City Boards, Commissions, and Lay-Committees.** Unless otherwise provided by statute, ordinance or resolution, the following shall be the procedure for the creation of and appointments to all City Boards, Commissions, and Lay-Committees:

- 3.1.1 **Creation and Dissolution.** At any time, the Council may by motion, ordinance or resolution establish any City Board, Commission or Lay-Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as a liaison(s) or members.

Unless otherwise provided, all City Boards, Commissions, and Lay-Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.

- 3.1.2 **Qualifications.** All appointees to City Boards, Commissions and Lay-Committees shall be registered electors, and shall have resided in the City of Coos Bay for a period of one year. No appointee may serve on more than two City Boards, Commissions or Committees at any one time. No appointee should serve on more than two City Boards, Commissions, and Lay-Committees simultaneously. No appointee may serve as a chair of more than one City Board, Commission, or Lay-Committee at any one time.
- 3.1.3 **Term.** The term of all appointments shall be for three years. Appointments may be renewed for any number of terms.
- 3.1.4 **Vacancies.** Any qualified citizen may submit a letter of interest for any open position on a City Board, Commission, or Lay-Committee. Vacancies shall be advertised in the local media, and letter of interest shall be received only

during the time set forth in the advertisement.

- 3.1.5 **Nomination and Confirmation.** Nominations for positions on City Boards, Commissions, or Lay-Committees may be made by the Mayor, or by any two Councilors, and shall be subject to confirmation by the Council. Such nominations shall be in writing, and shall be submitted for consideration at least one week prior to the scheduled date for confirmation. Confirmation may be made by written ballot and shall require majority vote. Nominations may also be made by application.
- 3.1.6 **Notification of Expiration of Terms.** The Deputy Recorder shall give written notice to the Council of the expiration of the term of office of all members of City Boards, Commissions and Lay-Committees at least thirty (30) days prior to expiration date of any appointee's term of office.
- 3.1.7 **Removal.** All lay members of City Boards, Commissions or Lay-Committees serve at the pleasure of the Council except as otherwise provided by law. All council seats on City Board of Commissions or Lay-Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission or Lay-Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed as a replacement.

### 3.2 Council Committees

- 3.2.1 **Creation and Dissolution.** Council Committees may be created at any time by resolution or motion. All Council Committees shall have a Chairman and Secretary, who may be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such committee shall report to the Council without unnecessary delay upon matters referred to them. All Council Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.
- 3.2.2 **Membership.** Membership on such Council Committees shall include only sitting Councilors, who shall be appointed by the Presiding Officer, subject to confirmation by the Council. Council Committee appointments shall be for a term of one year, and Councilors may be reappointed for an indefinite number of terms.
- 3.2.3 **Meetings.** Council Committee meetings may be called by the Chairman, or by any two members. A majority of the members of a Committee shall constitute a quorum to do business.

- 3.2.4 **Committee of the Whole.** There shall be one standing committee of the Council, which shall be known as the Committee of the Whole. This committee shall sit as a body for investigation or study, as the need may be. The committee shall not take any official action which in committee, but shall make findings which shall be the basis of further Council action.
- 3.2.5 **Meetings Subject to Oregon Open Meetings Law.** All meetings of any City Boards, Commissions, and Lay-Committees or Council Committee shall be subject to and comply with the Oregon Public Meetings law.
- 3.2.6 **Quorums.** A majority of the then sitting members of any City Board, Commission, or Lay-Committee or Council Committee shall constitute a quorum to do business.
- 3.2.7 **Registry.** The Deputy Recorder shall prepare, keep current and retain on file in the Office of the Deputy Recorder a list of all appointees to all City Boards, Commissions, Lay-Committees and Council Committees, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers. All councilors shall be given a copy of this list at least once yearly, or upon any substantial change in membership of any City Board, Commission, Lay-Committee or Council Committee.

#### **4. INTERACTION WITH CITY STAFF**

Based on the City Charter, the City utilizes the Council-Manager form of government which combines the strong political leadership of local elected officials (mayor and councilors (City Council)) with the strong managerial experience of an appointed manager. All power and authority to set policy rests with the City Council. The City Council in turn hires a nonpartisan manager who has very broad authority to run the organization.

All Council members will respect the separation between the Council's role and the City Manager's responsibilities by:

- 1) Refraining from interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.
- 2) Working together as a team within a spirit of mutual confidence and support.
- 3) Respecting the administrative functions of the City manager and department heads by refraining from actions which could undermine their authority. The Council will abide by the City Charter in its dealings with the City Manager.
- 4) Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Council members requiring significant staff time or resources (two hours or more) should normally require approval of the

Council, although the City Manager may determine to follow up on requests from individual Councilors.

- 5) Councilors should never express concerns about the performance of a City employee in public, to the employee directly, or other city employees. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- 6) Nothing in this section precludes Council members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager.

## **5. PUBLIC RECORDS / EMAILS**

- 5.1 **Public Record Defined.** A public record includes any document, book, paper, photograph, file, sound recording, machine readable electronic record or other material, regardless of physical form or characteristics, made, received, filed or recorded in connection with the transaction of public business, whether or not confidential or restricted in use.
- 5.2 **Electronic Records.** All communications on electronic office equipment have the same public records character as they would have had they been sent on paper. Any electronic communications that may be exempt from disclosure under state public records law should be clearly marked as confidential and exempt from disclosure. Electronic records in any way relating to the business of the city created on electronic equipment not owned or provided by the city may also be subject review and disclosure under Oregon Public Records law.
- 5.3 **Public Records.** Public records created or received by Council members, including electronic mail messages, will be retained in accordance with Oregon Public Records Law and the rules of the Secretary of State and State Archivist.
- 5.4 **Electronic Communications between Councilors.** City Councilors will be provided a City email account specifically for City business. While Councilors can communicate amongst themselves via email, those emails may not include a quorum and may not be forwarded to others in a manner which creates a quorum. All emails must be copied to the City Recorder for retention purposes.

## **6. AMENDMENTS TO COUNCIL RULES**

Amendments to these rules shall be by made by resolution.