

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE December 18, 2012	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Rodger Craddock, City Manager

ISSUE Proposed Addition to Council Rules

BACKGROUND

During the Council / URA Goal Setting on December 1, 2012, discussions included amending the current Council Rules by adding a provision precluding Council members from applying for employment with the City while they are serving on the Council. In working with the City Attorney, the following proposed language was drafted for your review and consideration:

"In accordance with the City Charter, Council members are precluded from holding office while an employee of the City, other than in positions which are substantially volunteer in nature. Council members are further prohibited from applying for an employment position with the City while in office. This rule does not prohibit a Council member from engaging in ordinary business transactions with the City to provide a product and/or service which the Council member (or his/her business) offers to the public on a regular basis."

ACTION REQUESTED:

Council Rules are the regulations under which the Council will conduct its business and are used to carry out the wishes of the majority of the Council. If it pleases the Council, adopt Resolution 12- 28 amending the Coos Bay Council Rules.

City of Coos Bay

Resolution 12-28

A RESOLUTION OF THE CITY OF COOS BAY, COOS COUNTY, OREGON AMENDING THE RULES OF THE CITY COUNCIL AS PROVIDED FOR IN THE CITY CHARTER, CHAPTER IV, 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, December 5, 2000, and November 6, 2012 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 18th day of December 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 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. COUNCIL / CITY EMPLOYMENT

In accordance with the City Charter, Council members are precluded from holding office while an employee of the City, other than in positions which are substantially volunteer in nature. Council members are further prohibited from applying for an employment position with the City while in office. This rule does not prohibit a Council member from engaging in ordinary business transactions with the City to provide a product and/or service which the Council member (or his/her business) offers to the public on a regular basis."

7. AMENDMENTS TO COUNCIL RULES

Amendments to these rules shall be by made by resolution.