

ORDINANCE NUMBER 1480

AN ORDINANCE OF THE CITY OF MILWAUKIE ADOPTING CITY COUNCIL RULES.

WHEREAS, Section 22 of the City Charter requires the Council to adopt rules governing its meetings and procedures by general ordinance and

WHEREAS, the Council finds the following rules will meet the requirements of the Charter and provide for fair and efficient conduct of Council business,

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Authority, Purpose and Adoption of Rules.

A. Authority. These rules are adopted pursuant to Section 22 of the Milwaukie Charter of 1975, which requires that the Council adopt rules governing its meetings and procedures by general ordinance.

B. Purpose. These rules are adopted for the purpose of providing guidance for Council action, providing fair and open deliberation on all questions before the Council, expediting Council business and ensuring good relationships between the Council and the city staff.

C. Adoption and Amendment of Rules. These rules may be amended or new rules adopted by ordinance. Any proposed changes shall be distributed to the Councilors in advance and considered under Legislation on the regular Council Agenda.

Section 2. Presiding Officer.

A. Presiding Officer. The Mayor, or in the absence of the Mayor the Council President, shall be the presiding officer at all meetings. The Council President shall be elected at the first regular meeting in January of each year. In the case of the absence of the Mayor and the Council President, the City Recorder shall call the meeting to order and the Council shall elect a chairperson by majority vote.

B. Powers and Duties. The presiding officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The presiding officer may move, second, debate and vote and shall not be deprived of any of the rights and privileges of a Councilor.

C. Signing of Documents. The Mayor shall sign all ordinances, resolutions, contracts and other documents except where authority to sign certain contracts and other documents has been delegated to the City Manager, and all documents shall be attested to by the City Recorder.

Section 3. Meetings.

A. Regular Meetings. Regular meetings shall be held on the first and third Tuesday of each month at 7:00 p.m. in the Council Chambers at City Hall, 10722 SE Main. Regular meetings may be held at a different time and place by giving appropriate notice at least 24 hours in advance. Two regular meetings shall be held each month.

B. Special Meetings. Special meetings may be called by the Mayor or two other Councilors, and appropriate notice shall be given to the remaining Councilors, the City Manager, City Attorney and the public. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except that for which the meeting is called.

C. Executive Sessions. All meetings shall be held in compliance with ORS 192.610 to 192.690 (Public Meeting Law). According to these statutes, the Council may hold closed meetings (executive sessions) to consider the employment or dismissal of or complaints against certain employees, to confer with designated labor negotiators, to confer with persons designated to negotiate property transactions, to consider records that are exempt from public inspection and to consult with legal counsel regarding current or impending litigation. A motion or notice calling for an executive session shall identify the specific statutory authorization. Media representatives will be allowed to attend executive sessions, but the Council may require that certain information shall not be disclosed. Final action on any matter discussed in executive session must be taken at an open meeting.

D. Quorum. Three members of the Council constitute a quorum for the conduct of business, but a smaller number may meet to compel the attendance of absent members.

E. Agenda. Documents to be submitted to the Council shall be delivered to the City Manager no later than 12 noon on the third working day preceding a regular meeting and no later than 24 hours prior to a special meeting. Copies of the agenda materials shall be distributed to each Councilor, the City Manager, City Attorney and others as designated by the Council or City Manager at least 48 hours prior to any regular meeting. Copies of the printed agenda page will be made available to the public at the meeting.

F. Staff Attendance. Unless excused by the Council, the City Manager and City Attorney shall attend all regular and special meetings. The City Recorder, Finance Director and Public Works Director shall attend all regular meetings and those special meetings where their attendance is required, unless excused by the City Manager. In the event a staff member is unable to attend a particular meeting, an alternate may be required.

G. Minutes. All meetings shall be tape recorded, and the tapes of all open meetings shall be made available for public examination in the office of the City Recorder. The Recorder shall prepare written minutes of all open regular and special meetings, which shall be approved by the Council and made available for public inspection. Written minutes shall include the names of all Councilors present, all motions, resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes, with the vote of each Councilor by name unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed. Minutes shall be signed by the presiding officer.

#### Section 4. Duties and Privileges of Councilors.

A. Attendance at Meetings. Members are expected to attend all meetings except that a member's absence may be excused by majority vote. No member may leave during a meeting without the consent of the presiding officer.

B. Seating Arrangement. Members shall occupy seats in the Council Chamber assigned to them by the Mayor. New Councilors will occupy the seats of the individuals they replaced unless instructed otherwise.

C. Right to Speak. Members shall have the right to speak on any matter properly before the Council and shall not be interrupted unless called to order by the presiding officer or unless a point of order or personal privilege is raised by another member.

D. Dissents and Protests. Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reasons therefor entered in the minutes in summary form.

E. Right of Appeal. Any Councilor may appeal from a ruling of the presiding officer, and the ruling may be overruled by majority vote.

F. Decorum. During Council meetings, council members shall preserve order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings. Councilors shall confine their remarks to the question under debate and avoid all personalities and indecorous language.

G. Personal Privilege. A Councilor may interrupt another Councilor and address the Council on a question of personal privilege in cases where the member's integrity, character or motives are questioned, if the presiding officer recognizes the privilege.

H. Ethics. Councilors shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain. Councilors shall give public notice of any potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public;
2. Making decisions involving business associates, customers, clients, and competitors;
3. Repeated violation of Council rules;
4. Appointing relatives, clients, or employees to boards and commissions;
5. Requesting preferential treatment for themselves, relatives, associates, clients, co-workers or friends;
6. Seeking employment of relatives with the City;
7. Actions benefitting special interest groups at the expense of the City as a whole;
8. Attending meetings or participating in decisions of City boards and commissions where there is a possibility of appeal of the matter to the Council;

9. Expressing an opinion which is contrary to the official position of the Council without so stating.

In general, Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

Section 5. Voting.

A. Requirement. The concurrence of a majority of the whole Council is required to determine any matter before the Council. Each Councilor must vote on all questions before the Council unless the member has a conflict of interest which would disqualify the member from voting. If a member abstains, the reasons for the abstention shall be entered in the record. Unless a Councilor abstains, the member's silence when the vote is taken shall be considered an affirmative vote.

B. Statement of the Question. Immediately prior to the vote, the presiding officer shall restate the question. Following the vote, the presiding officer shall announce whether the question carried or was defeated. The presiding officer may also publicly state the effect of a vote for the benefit of the audience.

C. Roll Call Vote. At the request of any Councilor, any question shall be voted on by roll call.

D. Tie Vote. In the case of a tie vote on any proposal, the proposal shall be considered lost.

E. Changing Vote. A Councilor may change his or her vote only if the action is taken immediately following the last vote cast and prior to the time that the result of the vote is announced. A Councilor shall not be allowed to withdraw an abstention.

F. Motion to Reconsider. A motion to reconsider any action may be made only at the same meeting where the action was taken, by a Councilor on the prevailing side of the question. Any Councilor may make a motion on the same question at any subsequent meeting.

G. Record of Votes. Unless the vote is unanimous, the ayes and nays of each Councilor shall be entered in the minutes.

Section 6. Ordinances and Resolutions.

A. Preparation and Introduction. All ordinances and resolutions shall be prepared under the supervision of the City Attorney and shall be approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department head. Each proposed ordinance or resolution shall be accompanied by a written summary of the action proposed in a form approved by the City Attorney.

B. Distribution of Copies. Whenever possible, copies of a proposed ordinance or resolution shall be made available for public inspection one week prior to the first meeting where they are to be considered. The City Recorder shall make sufficient copies for distribution with the agenda packets and for posting for public inspection at the time the ordinance or resolution is considered.

C. Reading of Ordinances and Resolutions. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only. Before being considered for adoption, an ordinance shall be read in full at two separate Council meetings, except that an ordinance may be adopted at a single meeting by unanimous vote of the whole Council after being read once in full and once by title. Both of the readings may be by title only if no Councilor objects or if copies are provided each Councilor and three copies are available for public inspection one week before the first reading and notice is given as provided in Section 33 of the City Charter.

D. When Ordinances and Resolutions Take Effect. Ordinances shall be effective on the 30th day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for the immediate preservation of the public peace, property, health, safety or morals may provide that it will become effective upon adoption. Resolutions shall be effective upon adoption.

E. Notice of Ordinances. All ordinances shall be posted for 10 days after the date of adoption in conspicuous places in City Hall and the Library.

Section 7. Procedure at Meetings.

A. Order of Business. All regular meetings shall have the following order of business:

1. Call to Order
2. Audience Participation
3. Public Hearings
4. Legislation
5. Consent Agenda
6. Other Business
7. Adjournment.

The order of business may be changed by the presiding officer or majority vote of the remaining Councilors.

B. Discussion of Business. The right to discuss the business before the Council is reserved exclusively for Councilors, the Manager and the City Attorney, with the following exceptions:

1. Public Hearings
2. Employee Complaints
3. Audience Participation Agenda.

The presiding officer may recognize any City staff member or member of the audience for discussion of any matter before the Council.

C. Motion Procedure. When a motion is moved and seconded, it shall be stated by the presiding officer for debate. A motion once made may not be withdrawn by the mover without the consent of the Councilor seconding it and the approval of the Council. The presiding officer may rule an improper motion out of order or, if the question involves two or more propositions, divide it into two separate questions. No Councilor shall be allowed to speak more than once on a particular question until every other Councilor has had an opportunity to do so.

D. Motions to Postpone or Table. A motion to postpone may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.

E. Motions to Recess or Adjourn. A motion for recess shall provide a time not to exceed 15 minutes, shall always be in order

and is not debatable. A motion to adjourn shall be in order at any time except:

1. When repeated without intervening discussion
2. When made to interrupt another member
3. When the previous question has been called
4. When a vote is being taken.

A motion to adjourn is debatable only as to time of adjournment. When the meeting agenda includes one or more public hearings, meetings may be adjourned no later than 11:00 p.m. If there are not public hearings scheduled, meetings may be adjourned no later than 10:00. However, the adjournment time may be extended by majority vote.

F. Point of Order. Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any Councilor to appeal the decision to the full Council.

G. Procedure in Absence of Rule. In the absence of a rule to govern a point or procedure, reference shall be made to accepted practice in parliamentary bodies. Disputes involving procedural matters shall be settled by reference to Robert's Rules of Order, Revised.

H. Effect and Suspension of Rules. The rules in this section are procedural only and the failure to strictly observe them shall not invalidate any action taken. Any rule contained in this section may be temporarily suspended at any meeting by majority vote of the whole Council.

#### Section 8. Communication with Council.

A. Oral Communications. Comments from persons other than the Council, City Manager or City Attorney will be entertained only during the part of the agenda where public comments are permitted or at the discretion of the presiding officer. The person addressing the Council shall first ask to be recognized and then give his or her name and address for the record. Persons addressing the Council shall also complete an information card for the record and return it to the City Recorder. All remarks shall be directed to the whole Council and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent or slanderous. In the event a member of the audience refuses to abide by the presiding officer's order, that person may be denied further opportunity to address the Council and may be removed upon order of the presiding officer. The order in

which audience comments are received is left to the discretion of the presiding officer, subject to these rules. The presiding officer may request that a spokesman be selected for a group of persons wishing to speak.

B. Written Communications. Written communications addressed to the Council shall be forwarded to the Council by submission to the City Manager prior to the meeting to be placed with the agenda materials or by submission to the presiding officer during the meeting. The presiding officer shall announce the submission of any written communication and reference shall be entered in the minutes.

C. Public Hearings. Public hearings include all items on the agenda on which the public has a right to be heard by law. The order of presentation of testimony at public hearings is as follows:

1. Staff report
2. Correspondence
3. Applicants' presentation (may be omitted if the applicant is the City)
4. Other testimony in favor of the application
5. Opponents' testimony
6. Questions and answers and general comments (at discretion of presiding officer)
7. Applicants' final remarks.

Following the presentation of testimony, the presiding officer shall close the hearing and ask for discussion among the Councilors. No further testimony or evidence will be accepted without approval of the presiding officer. All hearings shall be conducted in a fair and open manner. Councilors shall particularly observe the requirements of hearings on land use matters dealing with ex parte contacts.

#### Section 9. Miscellaneous.

A. Council - Staff Relations. Councilors shall respect the separation between policy-making and administration by:

1. Not attempting to influence or coerce the City Manager concerning personnel or purchasing, as outlined in Section 29(f) of the City Charter.
2. Addressing all inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response. At the discretion of the Manager or Attorney, inquiries may be forwarded to the full Council for consideration.

3. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, undermine the authority of supervisors or prevent the full Council from having the benefit of any information received.
4. Honoring the confidentiality of discussions with the City Attorney.
5. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.

B. Complaints. Complaints concerning City policies shall be addressed to and heard by the Council. Complaints concerning actions of City Boards and Commissions shall be referred to the particular body for comment. All complaints with respect to the management of the City or the actions of any City employee shall be referred to the City Manager for action. The Manager may be requested to provide the Council a written report of the resolution of the complaint. In all instances deemed appropriate by the Council, the Council may investigate or cause to be investigated through a formal hearing or otherwise the administration of any department.

C. Committee Appointments. The following rules shall govern appointments to City Boards and Commissions:

1. A Commission should be balanced, insofar as possible, between the different economic, social, geographic, racial, sex and age groups in the community.
2. The individual being considered should be committed to the basic ideals and purposes for which the Commission was established on which they desire to serve.
3. Insofar as practicable, a Commission should contain a variety of philosophies among the different members.
4. Individuals possessing special areas of expertise that would be of direct benefit to a Commission should be given special consideration.
5. Individuals being considered must be willing to dedicate, at a minimum, two nights per month to the Commission on which they desire to serve.
6. Any individual or group is encouraged to submit names for consideration to the City Council, but with the understanding that the final decision rests with the City Council.

7. Reappointments to a Commission shall be considered in accordance with the guidelines listed above, along with the type of service the individual has already given to the Commission and his stated willingness to continue service on that Commission.

8. In order to become more familiar with the applicants' qualifications, the Council must interview all applicants for a vacancy on any Commission.

9. Appointments must comply with any ordinances, by-laws, Charter provisions, or state or federal laws concerning the Commission.

10. Consideration should be given to residents outside the city when the Commission or function serves residents outside city boundaries.

11. No individual should be considered for appointment to a position on any Commission where a conflict of interest may result. Individuals appointed to one Commission shall not serve on any other City Commission during the term of their appointment.

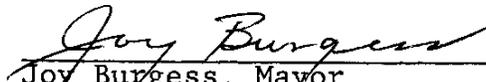
12. Members of a Commission may be removed from office by the City Council for cause. Failure to attend three consecutive regular meetings of a Commission is cause for removal from office.

D. Council Chambers. The Council Chambers shall be under the supervision and control of the City Recorder when Council is not in session. The Recorder shall establish procedures for use of the Council Chambers by other City bodies and private groups and shall have authority to schedule or cancel such use as necessary.

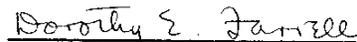
Read the first time on January 20, 1981, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on January 20, 1981.

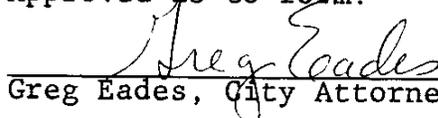
Signed by the Mayor on January 20, 1981.

  
Joy Burgess, Mayor

ATTEST:

  
Dorothy E. Farrell, Recorder

Approved as to form:

  
Greg Eades, City Attorney