

Ordinance No. 449-2007

AN ORDINANCE ADOPTING COUNCIL RULES AND PROCEDURES IN ACCORDANCE WITH THE CITY CHARTER AND AMENDING ORDINANCE 410-2003

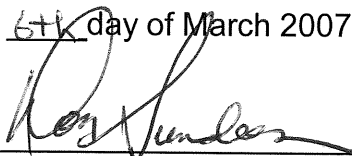
WHEREAS, the Dundee City Council adopted rules and procedures to govern their conduct and proceedings; and

WHEREAS, the City Council from time to time may amend these procedures.

NOW THEREFORE,

1. The City Council hereby adopts Amended Council Rules and Procedures as shown in the attached Exhibit A, in its entirety.
2. If any part of Council Rules and Procedures is found invalid by a court of competent jurisdiction, such invalid part shall be severed and the remainder of the rules shall continue to be full force and effect.
3. This ordinance shall take effect within 30 days of adoption.

PASSED by the Council and SIGNED by the Mayor this 6th day of March 2007.


Don Sundeen, Mayor

Attest:


Eve L. Dolan, City Administrator/Recorder

Wyes: Mayor Sundeen, C. Adlong, C. Maybury, C. Miller, C. Nelson and C. Pugsley.

EXHIBIT A

EXHIBIT A
City of Dundee
Council Rules & Procedures

SECTION 1. AUTHORITY

- 1.1 The Charter of the City of Dundee in Chapter IV Section 16 Rules requires: "The Council shall adopt by ordinance, rules governing the conduct of its members and proceedings."
- 1.2 These rules apply equally to the Mayor and Councilors.
- 1.3 City staff, the public, and other persons attending Council meetings are expected to observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

SECTION 2. THE MAYOR AND COUNCIL

- 2.1 The Mayor and Council (hereafter referred to as Council) are the policy-making body of the City. Council decisions although not always unanimous, but once voted upon define the position of the entire Council.
- 2.2 Vacancies. See the City Charter.
- 2.3 Filling Council vacancies.
 - a. Notice. When a vacancy on the City Council occurs, the City Administrator shall give at least 30 days public notice requesting citizens interested in serving on the City Council to apply using a form provided by the City.
 - b. Appointment. At a meeting conducted at least 30 days after public notice of a Council vacancy, a majority of the remaining membership of the Council shall appoint a person to fill the office.
 - c. Vote. In the case of a tie vote, the selection shall be by coin toss.
 - d. Term. The appointee's term of office shall begin immediately upon appointment and swearing or affirming to the oath of office and shall continue throughout the un-expired term.
 - e. Pro-tem. An elected office may be filled *pro tem* during a temporary absence from the city or disability of any officer.

SECTION 3. COUNCIL MEETINGS

- 3.1 Regular meetings. Regular meetings of the Council will generally be held the first and third Tuesday of each month at 7:00 p.m. in the Council Chambers at the Dundee City Hall. As necessary or required to consider city business, the Council may conduct additional meetings at a designated time, date, and place.

- a. All City Council meetings are open to the public. All regular City Council meetings will have opportunity for public comment.
 - b. Not less than 48 hours prior to the meeting, the City shall give notice of the time and place of the meeting in such a manner as to give actual notice to interested persons. The notice shall list the principal subjects to be considered and shall be posted in at least one public location in the City. Notice of regular meetings shall also be given to a newspaper of general circulation and to any media or person that requests notice.
 - c. At least once annually, the City Administrator shall evaluate opportunities for posting or publishing notice reasonably calculated to give actual notice to interested persons in the City and shall recommend any such opportunities to the Council.
- 3.2 Special meetings. Special meetings may be called according to the provisions in Chapter IV, Section 15 of the City Charter, as follows:
- a. The Mayor may call a special meeting, which may be held after the City Administrator gives notice on behalf of the Mayor to all members of the City Council then in the City.
 - b. A minimum of three City Councilors may also request a special meeting, which shall be held after the City Administrator gives notice on behalf of the Mayor to all members of the City Council then in the City.
 - c. The City Administrator shall post public notice of any special meeting at least 48 hours in advance of the meeting, in the manner required by Section 3.1.
- 3.3 The Council may establish goals, conduct training of new Councilors, and meet in workshops for training, education, or any other purpose. In the event any goals are formulated during a meeting, including a Council retreat held for such purpose, such goals shall be adopted at a regular Council meeting. In the manner required by Section 3.1, the city shall give notice of any workshop or retreat that is not part of a regularly scheduled meeting.
- 3.4 Executive Sessions. The Council may hold Executive Sessions pursuant to ORS 192.660. Council may limit or request the staff members required to attend any Executive Session, including but not limited to the City Administrator, City Recorder, and any other staff.
- 3.5 Pursuant to ORS 192.610(5), Councilors may attend meetings of national, state, or regional associations.
- 3.6 Attendance. It is the duty of each Council member and the Mayor to attend all meetings of the Council.
- 3.7 Quorum. A quorum is defined by City Charter as a majority of the members of the City Council. A quorum is required to conduct any Council business.
- 3.8 Voting.

- a. Unless otherwise provided by City Charter, a concurrence of a majority of those present is required to determine any matter before the Council. Unless the Councilor declares a potential or actual conflict of interest, bias, or ex-parte contact and determines that he or she should not participate in the discussion and vote on any matter, all Council members shall vote on any question. If a Councilor abstains, any reasons stated for the abstention shall be entered in the record.
- b. If a Councilor represents an organization with a public position on a matter, the Councilor should make a declaration of the position and representation on the record. If after inquiry, a majority of the Council determines that the organization's position is detrimental to the City's interest, the Council may request that the Councilor withdraw from discussion and vote. The decision whether to withdraw shall be made by the Councilor.
- c. Roll Call. At the request of any Councilor, any question shall be voted on by roll call. When a vote is taken by roll call, Councilors may change their votes until the time that the result of the vote is finally announced. After a vote by roll call has been announced, a Councilor may change a vote only by proof that an error was made in the recording of the vote.
- d. Tie Vote. In the case of a tie vote on any proposal the proposal shall be considered lost.
- e. Record of Vote. Unless a vote is unanimous, the ayes and nays of each Councilor shall be entered in the minutes.

SECTION 4. AGENDA AND ORDER OF BUSINESS OF COUNCIL MEETINGS

- 4.1 Agenda. The City Administrator shall prepare an agenda for each regular Council meeting at the direction of the Council. Any City Councilor may also direct that a specific item be included on the agenda. If a member of the public requests the Council to place an item on the agenda of a future Council meeting, the item may be added to the agenda by the consent of Council.
- 4.2 Order of Business.
 - a. The customary order of business for the Council meeting:
 - Call to Order
 - Amendments to the Agenda, if any
 - Public Hearings, if any
 - Public Comment
 - Presentations, if any
 - Consent Agenda
 - Old Business
 - New Business
 - Council Concerns or Committee Reports
 - Mayor's Report
 - City Administrator's Report
 - Public Comment
 - Adjourn

- b. Workshops will be scheduled as needed.
- 4.3 The Presiding Officer may consider agenda items out of order, as the Presiding Officer deems necessary to facilitate efficient management of the meeting.

SECTION 5. PROCEDURE FOR COUNCIL MEETINGS

- 5.1 Rules of Order. Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by *The Standard Code of Parliamentary Procedure*, which is adopted herein and incorporated by reference to these rules. The Presiding Officer may rely on *The Standard Code of Parliamentary Procedure* as necessary or required.
- 5.2 Recognition. Every Councilor desiring to speak should 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. However, at any time during the meeting, any Councilor may first recognize staff for the purposes of discussion.
- 5.3 Motions and Debate. No motion shall be debated until a Councilor has seconded the motion and the Presiding Officer announces the motion. Prior to a vote, the Presiding Officer shall restate the motion or request the maker of the motion to restate it.
- 5.4 Public comment.
- a. At the time on the agenda designated for public comment, and during any public hearing, any member of the public desiring to address the Mayor and Council shall first request to be recognized by the Presiding Officer and then state his or her name and address for the record. If necessary, the Council may limit comments to three minutes. The Council may request that groups with like comments choose a spokesperson to present their joint remarks.
 - b. During public hearings, all public comment should be directed to the question under discussion and addressed to the Presiding Officer representing the Council as a whole.
 - c. Councilors shall refer people with questions or complaints to the City Administrator, in accord with Council Communication Policies.
 - d. In general, Councilors will not respond to any comment made during the time on the agenda for public comment, except to ask clarifying questions. Any Council comments should be held until the time on the agenda reserved for Council comment.
- 5.5 Presiding Officer. For purposes of City Council Meetings, the Presiding Officer may be the Mayor, the Council President, or a Councilor acting as Presiding Officer pro-tem, as the Charter requires.
- a. Duties. The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the Council. Councilors shall help the Presiding

Officer preserve decorum during Council meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the directions of the Presiding Officer or Council Rules.

- b. Council Response to Questions. The Presiding Officer shall refer any comments or questions regarding city personnel or administration to the City Administrator. The Presiding Officer may redirect other questions to a City Councilor or the City Administrator, as appropriate. Councilors may also address questions directly to the City Administrator, who may either answer the inquiry or designate a staff member to do so.

5.6 Maintaining Order.

- a. At any time during a Council meeting, the Presiding Officer may temporarily suspend the proceedings if any member of the public unreasonably interferes with the conduct of the meeting. Any person, who in the opinion of a Councilor disrupts a meeting and refuses to follow a request or directive of the Presiding Officer, may be removed from the room, after fair warning, if the Presiding Officer so directs.
- b. If necessary under the circumstances, any member of the Council may obtain the floor and make a motion to enforce order under this provision. Upon affirmative vote by a majority of the Council present, the person or persons shall be removed and proceedings suspended, if necessary, as if the Presiding Officer so directed. Any person who continues to disrupt a meeting after being requested to desist may be barred from further audience before the Council.
- c. If necessary, the Presiding Officer or City Council may give an order to clear the Council Chamber and call a recess until order is restored.

SECTION 6. COUNCILOR CONDUCT

6.1 Representing the city or personal interests; announcement required.

If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state: 1) whether his or her statement reflects personal opinion or is the official stance of the City; 2) whether the statement is the majority or minority opinion of the Council. If the Council member is representing the City, the Council member shall support and advocate the official City position on an issue rather than a personal viewpoint.

6.2 Censure for Violation.

- a. The Council may make and enforce its own rules and ensure compliance with those local or state rule applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other laws of public bodies, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.
- b. To exercise its inherent right to enforce its rules, the Council may investigate the actions of any Councilor. Pursuant to ORS 192.660(1)(b), unless the

Councilor requests an open hearing, such investigation shall be referred to the Council meeting in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred.

- c. To the extent provided by law, no Councilor may make public any information obtained in executive session conducted for the purposes of this section.

SECTION 7. APPOINTMENT AND REMOVAL OF MEMBERS OF BOARDS, COMMITTEES, COMMISSIONS, AND OTHER CITY OFFICES

- 7.1 Appointment. Pursuant to City Charter, a majority of the City Council may create, abolish, and combine appointive city offices, and fill such offices by appointment and vacate them by removal.
- 7.2 Budget Committee. The Budget Committee shall consist of 7 city resident members and the 7 members of the City Council for a total of 14. The Budget Committee shall select a chair at the first meeting of each calendar year. The terms of office for city resident members shall be three years, overlapping as provided in ORS 294.336(5) so that one-third of the terms of the appointive members end each year.
- 7.3 Planning Commission. The Planning Commission shall consist of 7 persons with 4-year overlapping terms of office. The City Council shall appoint and approve Planning Commission members. At the first meeting of each calendar year, the Planning Commission shall select a chair and vice-chair. City staff shall serve to keep the minutes of all meetings. If a vacancy in the Planning Commission occurs, the vacancy may be filled by appointment of the Council. The City Council may remove a Planning Commissioner from office, but only after conducting a hearing and affording due process as required by ORS 227.030.
- 7.4 Task Force. The Mayor, with consent of the Council, may appoint a Task Force for the length of time necessary to accomplish a mission. The appropriate number of appointees may be determined at the time of appointment. Task Force members who reside within and outside the city limits may be appointed. Typically, there can only be one member per household, one member per business, and no more than two members may be engaged in the same kind of business, trade or profession, unless altered by a majority vote of the Council.
- 7.5 Qualifications. Except as noted in Section 7.4 or as required by law, all appointees to City Boards, Commissions or Committees shall be registered electors residing in the City of Dundee for a period of at least one year.
- 7.6 Removal of Appointed Officers. Unless required otherwise by state law or City Charter, the City Council has authority to remove any appointed officer, including the City Administrator, the Municipal Judge, and any board, commission or committee member. Reasons for removal may include, but are not limited to: missing three consecutive regular meetings of a board, committee or commission, exhibiting disruptive or inappropriate behavior prior to, during, or after meetings and which prohibit the body from completing its business in a timely manner, or failing to act in the best interest of the citizens or city.

- 7.7 Prohibition on Lobbying. Because it is important for appointed or advisory bodies to make objective recommendations on items to the Council free of any influence Councilors shall not attempt to lobby any board, committee, task force or commission member on any item under consideration.