



City of Sandy Council Rules

Adopted: July 2023

Table of Contents

CHAPTER 1 - General Conduct of Meetings	3
I. Rules of Procedure.....	3
II. Quorum	3
III. Presiding Officer	3
IV. Other Elected and Appointed Officers	3
V. Agendas.....	4
VI. Order of Business	4
VII. Sergeant-at-Arms	7
VIII. Flags, Signs, and Posters.....	8
CHAPTER 2 - Meeting Time, Location and Frequency	9
I. Regular meetings.....	9
II. Special meetings	9
III. Emergency meetings.....	9
IV. Executive Sessions	9
V. Work Sessions.....	10
VI. Holidays	10
VII. Council Recess.....	10
VIII. Location	10
IX. Notice.....	11
X. Attendance.....	11
CHAPTER 3 - Ordinances and Resolutions	12
I. Ordinances	12
II. Resolutions.....	12
CHAPTER 4 - Land Use Hearings	14
I. General Conduct of Hearings.....	14
II. Quasi-Judicial Land Use Matters	15
III. Legislative Land Use Matters	17
CHAPTER 5 - Motions, Debate, and Voting	19
I. Motions	19

- II. Debate..... 20
- III. Voting..... 20
- CHAPTER 6 - Minutes 22
 - I. Generally..... 22
 - II. Approval..... 22
 - III. Video Recordings..... 22
- CHAPTER 7 - Appointments..... 23
 - I. Appointments of City Staff 23
 - II. Appointments of Members to Boards, Commissions, and Committees 23
 - III. Liaisons to Boards, Commissions, and Committees 23
- CHAPTER 8 - Ethics, Decorum, and Conduct..... 25
 - I. Ethics 25
 - II. Decorum..... 25
 - III. Statements to the Media and Other Organizations..... 25
 - IV. Confidentiality 26
- CHAPTER 9 - Interactions with Staff & City Attorney 27
 - I. Interactions with Staff 27
 - II. Requests to City Attorney 28
- Chapter 10 - Other Matters..... 29
 - I. City Council Vacancies 29
 - II. Litigation..... 29
 - III. Conferences and Seminars..... 29
 - IV. Council Member Benefits 30
- CHAPTER 11 - Censure 31
 - I. Enforcement 31
 - II. Investigation 31
- CHAPTER 12 - Amendment 32
 - I. Amendment..... 32

CHAPTER 1 – General Conduct of Meetings

I. Rules of Procedure

- A. Unless otherwise provided by charter, ordinance, or these rules, the procedure for Council meetings, and any subcommittee of the City Council, shall be guided by Robert’s Rules of Order, 12th Edition.
- B. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert’s Rules of Order when such points will obscure the issues before the Council and confuse members of the public.
- C. Whenever these rules and Robert’s Rules of Order conflict, these rules shall govern.

II. Quorum

A quorum is required to conduct official city business.

III. Presiding Officer

- A. The Mayor shall serve as the Presiding Officer for all meetings. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- B. In the event the Mayor is unable to preside over a meeting, the Council President shall serve as Presiding Officer. The Council President shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- C. If both the Mayor and the Council President are unable to preside over a meeting, the following procedure shall be utilized to determine who is the Presiding Officer:
 - a. The City Manager shall call the Council to order and call the roll of the members.
 - b. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
 - c. Should either the Mayor or the Council President arrive, the temporary Presiding Officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
 - d. The Presiding Officer shall retain all rights and privileges of a member of Council when acting in this capacity.

IV. Other Elected and Appointed Officers

- A. City Manager. The City Manager is required to attend all meetings of the Council and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.

- B. City Recorder. The City Recorder shall advise the Presiding Officer on any questions of order or parliamentary procedure. Additionally, the City Recorder shall keep the official minutes of the Council.
- C. City Attorney. The city attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

V. **Agendas**

The City Manager and Mayor shall collaborate to prepare an agenda for every Council meeting.

- A. Agendas and informational material for meetings shall be distributed to the Council at least four (4) days preceding the meeting.
- B. A Councilor may place an item on a Council agenda by motion or with the Mayor's approval. The City Manager shall be notified. Requests to add agenda items should be made at least one week prior to the meeting.

VI. **Order of Business**

The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by the Presiding Officer or by majority vote of the Council:

- Pledge of Allegiance
 - Call to Order
 - Roll Call
 - Changes to the Agenda
 - Proclamations
 - Public Comment (other than public hearings)
 - Response to Previous Public Comments
 - Presentations
 - Consent Agenda
 - Ordinances
 - Resolutions
 - Old Business
 - New Business
 - Report from the City Manager
 - Committee / Council Reports
 - Adjourn
- A. Pledge of Allegiance. The Pledge of Allegiance shall be observed at all City Council regular meetings.
 - B. Call to Order. The presiding chair shall call all meetings of the Council to order. The call to order shall note the date and time of the meeting so that it may accurately be reflected in the minutes.

- C. Roll Call. The City Recorder shall conduct a roll call to determine which members of the Council are present and which are absent.
 - a. The attendance shall be properly reflected in the minutes.
 - b. If roll call determines that a quorum is not present, the meeting shall be adjourned, except as prescribed by the City Charter, Section 14.
- D. Changes to the Agenda. A change to the agenda may be made by majority vote of the Council.
- E. Proclamations. Proclamations are official recognitions of notable events, causes, and/or individuals.
- F. Public Comment (other than public hearings).
 - a. For general public comments (other than public hearings), individuals wishing to speak must register their intention to do so in advance of the meeting. Virtual attendees must submit an online signup form by 4:00 p.m. on the day of the meeting; in-person attendees must submit a signup card by 7:00 p.m. on the day of the meeting.
 - b. Each speaker will be afforded a total of three minutes. Unless a Council member objects, the Presiding Officer may extend the time limit at his or her discretion.
 - c. Speakers are required to state their names and addresses for the record.
 - d. If a member of the public wishes to speak on an issue that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. General public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
 - e. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit questioning to no more than three minutes. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.
- G. Response to previous Public Comments. Whenever possible and appropriate, this time will be used to respond to comments received at previous meetings that have taken additional time to research.
- H. Consent Agenda. In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
 - a. All items on the consent agenda shall be approved by a single motion, unless an item is removed for separate consideration.
 - b. Any item on the consent agenda may be removed for separate consideration by any member of the Council.

- c. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, and any item where a member of Council must declare a conflict of interest.
- I. Ordinances (see Chapter 3)
- J. Resolutions (see Chapter 3)
- K. Public Hearings Generally
 - a. A public hearing shall be conducted prior to the adoption of any ordinance, and prior to the adoption of any resolution imposing fees or fines.
 - i. Public hearings on matters pertaining to land use shall be conducted when required by state law and/or the Sandy Municipal Code. (see Chapter 4)
 - b. A public hearing may be held on other matters at the Mayor's discretion, or upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
 - c. The Presiding Officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda, and shall then declare the hearing open.
 - d. Members of the public providing testimony at hearings on matters other than land use will be afforded a total of five minutes to speak.
 - e. No person may testify during a hearing more than once without obtaining permission from the Presiding Officer.
 - f. Each person shall, prior to giving testimony, give his or her name and address. All remarks shall be addressed to the Council as a body and not to any member thereof.
 - g. Councilors may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by Councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the Council when exercising this option. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.
 - h. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.

- i. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the Presiding Officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the City Recorder to note the numbers in the minutes.
- j. Following public testimony and questions of staff, the Council shall initiate deliberations; continue the hearing to a future date; or keep the record open for additional written testimony. During deliberations, each member of the Council shall have the opportunity to comment on or discuss testimony given during the public hearing.
- k. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City Recorder prior to the conclusion of the hearing.
- l. Documents submitted to the city as evidence or written testimony during a public hearing are public records. Because any names, addresses, email addresses, and telephone numbers included in such documents are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder pursuant to ORS 192.368(1).

L. Conduct of Hearings on Land Use Matters (see Chapter 4)

VII. Sergeant-at-Arms

A law enforcement officer of the City may be Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Presiding Officer for the purposes of maintaining order and decorum at the Council meeting. If the Sergeant-at-Arms determines that the actions of any person who violates the order and decorum of the meeting constitutes disorderly conduct as defined by state law, the Sergeant-at-Arms may place such person under arrest and cause such person to be prosecuted, or take other appropriate action as outlined in the Sandy Official Police Manual Revised.

- A. Any of the following shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Presiding Officer, or by a majority of the Council present, remove

any person from the Council chamber for the duration of the meeting:

- a. Use of unreasonably loud or disruptive language.
 - b. Making of loud or disruptive noise, including applause.
 - c. Engaging in violent or distracting action.
 - d. Willful injury of furnishings or of the interior of the Council Chambers.
 - e. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
 - f. Refusal to obey an order of the Presiding Officer.
- B. Before the Sergeant-at-Arms is directed to remove any person from a Council meeting for conduct described in this section, that person shall be given a warning by the Presiding Officer to cease his or her conduct. If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Council present may declare a recess and/or order that the Council chamber be cleared.

VIII. Flags, Signs, and Posters

No flags, posters, placards or signs, unless authorized by the Presiding Officer, may be carried or placed within the Council Chambers during an official meeting. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing or individuals, provided that such devices do not interfere with the vision or hearing of other persons at the meeting or pose a safety hazard.

CHAPTER 2 – Meeting Time, Location and Frequency

I. Regular meetings

The Council shall meet on the first and third Monday of every month, with the exception of designated holidays and/or Council recesses.

- A. Regular meetings shall begin at 7:00 p.m.
- B. Regular meetings shall be noticed in accordance with Oregon’s public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice shall also be provided via electronic media that are freely and easily accessible by the public.

II. Special meetings

Special meetings may be called in accordance with Section 13 of the City Charter.

- A. Notice of the special meeting shall be given to each member of the Council, the City Manager, and each local media organization which has on file a written request for notice of special meetings.
- B. Special meetings shall be noticed in accordance with Oregon’s public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice shall also be provided via electronic media that are freely and easily accessible by the public.

III. Emergency meetings

Emergency meetings may be called by the Mayor, by the request of three members of Council, or by the City Manager.

- A. Notice of the emergency meeting shall be given to each member of the Council, the City Manager, and each local media organization which has on file a written request for notice of special meetings.
- B. Emergency meetings are those meetings called with less than 24 hours’ notice and the Council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
- C. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

IV. Executive Sessions

Executive sessions may be called by the Mayor, by the request of three members of Council, or by the City Manager.

- A. Executive sessions shall be held in accordance with state law.
- B. Only members of the Council, the City Manager], the City Attorney, and persons specifically invited by the City Manager or the Council shall be allowed to attend executive sessions.

- C. Representatives of recognized news media⁴ may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

V. Work Sessions

Work sessions are intended to present information and facilitate discussion so that the Council is prepared for regular or special meetings.

- A. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
- B. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
- C. Work sessions are to be scheduled by the City Manager in collaboration with the Mayor.
- D. The City Manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

VI. Holidays

In the event a regular meeting falls on a holiday recognized by the city, the regular meeting for that week shall be held on the following day.

VII. Council Recess

The Council shall be in recess and cancel at least one of its regular meetings each calendar year.

VIII. Location

In accordance with state law, regular Council meetings shall be conducted in a hybrid in-person / virtual format, allowing Council members, staff, and the public to attend and participate either in-person at City Hall or virtually via a medium that is freely and easily accessible by the public, and that allows the public to observe and provide input (as appropriate) during the meeting.

- A. In the event that circumstances prevent the Council from meeting in-person, the Council may conduct a regular meeting entirely virtually via a medium that meets the requirements in the above section.
- B. Special meetings may be held at a location within the city’s jurisdictional limits other than City Hall.
- C. Training sessions may be held outside of the city’s jurisdictional limits, provided no deliberations toward a decision are made.
- D. Interjurisdictional meetings may be held outside of the city’s jurisdictional limits, but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
- E. No Council meeting shall be held at a location not freely and easily accessible by

members of the public.

IX. Notice

The City Recorder shall provide notice of all meetings in accordance with Oregon's public meeting law.

X. Attendance

Members of the Council shall advise the City Manager and Presiding Officer if they will be unable to attend any meetings. Under the Charter, a Council position becomes vacant if the Council Member is absent from the city for more than 30 days without Council permission, or absent from all meetings of the Council within a 60-day period without Council permission, and upon a declaration by the Council of the vacancy.

- A. The Mayor shall notify the City Manager and Council President in advance of any absence by the Mayor.
- B. Council Members shall also notify the City Manager and Presiding Officer in advance if they choose to attend any meeting virtually rather than in-person.
- C. Council Members will make their best efforts to schedule absences/vacations around Council meetings. Excused absences are typically for personal, family, or medical reasons.

CHAPTER 3 – Ordinances and Resolutions

I. Ordinances

All ordinances considered by and voted upon by the Council shall adhere to the rules outlined herein.

- A. Numbering. The City Recorder shall number all ordinances with a consecutive identification number in the order of their introduction consisting of the calendar year in which it was introduced followed by the sequence number.
- B. Preparation.
 - a. All ordinances shall, before presentation to the Council, have been approved by the city attorney, or the city attorney's designee.
 - b. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title.
 - c. Any ordinance amending the Sandy Municipal Code shall identify in the title of the ordinance the specific code section(s) being amended.
 - d. A public hearing shall be conducted prior to the adoption of any ordinance.
 - e. When an ordinance is rejected by the Council, and is not the subject of a successful Motion to Reconsider as provided by these rules, neither the ordinance, nor any other ordinance which contains substantially the same provisions, shall be considered by the Council for a period of not less than six months, unless at least three members of the Council petition for early consideration.

II. Resolutions

All resolutions considered by and voted upon by the Council shall adhere to the rules outlined herein.

- A. Numbering. The City Recorder shall number all resolutions with a consecutive identification number in the order of their introduction, consisting of the calendar year in which it was introduced followed by the sequence number.
- B. Preparation
 - a. A public hearing shall be conducted before adoption of any resolution imposing a fee or fine.
 - b. A public hearing may be held on any other resolution at the Mayor's direction or upon majority vote of the Council.
- C. Adoption
 - a. Resolutions are adopted upon majority vote of the Council at a regular business meeting.

- b. When a resolution is rejected by the Council, and is not the subject of a successful Motion to Reconsider as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the Council for a period of not less than three months, unless at least three members of the Council petition for early consideration.

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings

- A. Any party to a hearing may speak for themselves, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the City Recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, it shall not be included in the record for the proceeding.
- C. The Presiding Officer shall establish and disclose time limits for all hearing participants in advance of the hearing.
- D. Members of the public may not testify more than once during a hearing without obtaining permission from the Presiding Officer.
- E. Upon being recognized by the Presiding Officer, any member of the Council, the City Manager, the Development Services Director, or the City Attorney may question any person who testifies.
- F. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the Council.
- G. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder shall note the numbers of such persons for the record in the minutes.
- H. A member of the Council shall not participate in a discussion or vote in a land use proceeding if the member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter.
- I. A member of the Council shall not participate in a discussion or vote in a land use proceeding if the member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- J. In an effort to maintain the impartiality of the Planning Commission, especially in cases where issues can be remanded by the City Council back to the Planning Commission for review, the following rules are established:
 - a. For legislative land use matters before the Council, Commissioners may testify as a Commissioner, as a Commissioner representative if so designated by the Commissioner, or as a citizen.
 - b. For quasi-judicial hearings or petitions for review before the Council, Commission members, who have participated in the proceeding Commission decision, may not testify before the Council on the

respective matter.

II. Quasi-Judicial Land Use Matters

- A. Scope of Review. All appeals in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Ex Parte Contacts. Members of the Council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.
- C. Bias and Disqualification. Any applicant, opponent, or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor's bias, pre-judgement, personal interest, or other facts from which the party has concluded that the Councilor will not participate and make a decision in an impartial manner. The Presiding Officer shall give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be voted upon by the Council. Such challenges shall be incorporated into the record of the hearing.
 - a. In the case of a quasi-judicial matter that is heard by the Council, a Councilor must disclose his or her participation in a prior decision or action on the matter that is before the Council. A common example of this is when a Planning Commission member is elected or appointed to the City Council, or if a Councilor testifies at a Planning Commission meeting. The Councilor shall state whether he or she can participate in the hearing with an open mind and with complete disregard for the previous decision made. If the Councilor is unable to hear the matter impartially, the Councilor has a duty to disqualify him or herself from participating in the proceedings and to leave the room (or, if attending virtually, to temporarily disable audio and visual participation).
 - b. If the City Council believes that a member is biased or cannot participate impartially, it may disqualify the member by majority vote from participating in a decision on a quasi-judicial matter. A Councilor who has been disqualified from participating in a decision may participate in the proceeding as a private citizen if the Councilor is a party with standing.
- D. Burden of Proof. The applicant has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
 - a. The decision of the Council shall be based on the applicable standards and criteria as set forth in the Sandy Municipal Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
 - b. The applicant, any opponents, and/or city staff may submit to the Council

a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

- E. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
- a. Land Use Hearing Disclosure Statement. The Presiding Officer shall read the land use hearing disclose statement, which shall include:
 - i. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - ii. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - iii. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
 - b. Call for ex parte contacts. The Presiding Officer shall inquire whether any member of the Council has had ex parte contacts. Any member of the Council announcing an ex parte contact shall state for the record the nature and content of the contact.
 - c. Call for abstentions. The Presiding Officer shall inquire whether any member of the Council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
 - d. Call for conflicts of interest. The Presiding Officer shall inquire whether any member of the Council must recuse themselves from participating in the hearing due to a conflict of interest. Any member of the Council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding.
 - e. Call for challenges to members of the hearing body. The Presiding Officer shall inquire whether any participant in the hearing wishes to challenge the ability of a member of the hearing body to hear the matter impartially, pursuant to the Bias and Disqualification section of these rules.
 - f. Staff report. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
 - g. Presentation of the case
 - i. Applicant's case

- ii. Persons testifying in favor
 - iii. Persons testifying in opposition
 - iv. Other interested persons testifying
 - v. Rebuttal. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters which were introduced during the hearing.
- h. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for additional rebuttal.
- i. Deliberations. Deliberations shall immediately follow the hearing, unless delayed to a subsequent time certain by majority vote of the Council.
- j. Findings and Order. The Council may approve or reject the proposal.
- i. The Council shall adopt findings to support its decision.
 - ii. A final order representing the decision of the Council shall be signed by the Mayor.
- k. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the Council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

III. Legislative Land Use Matters

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
- a. Call for abstentions. The Presiding Officer shall inquire whether any member of the Council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
 - b. Call for conflicts of interest. The Presiding Officer shall inquire whether any member of the Council must recuse themselves from participating in the hearing due to a conflict of interest. Any member of the Council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding
 - c. Presentation of the case
 - i. Staff report. Staff shall present a summary and recommendation concerning the proposal.
 - ii. Public testimony.

- d. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
- e. Deliberations. Deliberations shall immediately follow the hearing, unless delayed to a subsequent time certain by majority vote of the Council.
- f. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

CHAPTER 5 – Motions, Debate, and Voting

I. Motions

All motions shall be distinctly worded.

A. The following rules shall apply to motions:

- a. If a motion does not receive a second, it dies.
- b. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
- c. Any motion shall be reduced to writing if requested by a member of the Council.
- d. A motion to amend can be made to a motion that is on the floor and has been seconded.
- e. No motion shall be received when a question is under debate except for the following:
 - i. To lay the matter on the table;
 - ii. To call for the previous question;
 - iii. To postpone;
 - iv. To refer; or
 - v. To amend.
- f. A motion may be withdrawn by the mover at any time without the consent of the Council.
- g. Amendments are voted on first, then the main motion is voted on as amended.
- h. A member of the Council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
- i. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
 - i. A call for the question fails without a majority vote.
 - ii. Debate on the main subject resumes if the motion fails.
- j. A motion that receives a tie vote fails.
- k. The Presiding Officer shall repeat the motion prior to a vote.
- l. A motion to adjourn cannot be amended.

m. Motion to Reconsider

A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council.

II. Debate

The following rules shall govern the debate of any item being discussed by the Council:

- A. Every member desiring to speak shall address the Presiding Officer, and, upon recognition by the Presiding Officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
- B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
- C. The member of the Council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.

III. Voting

The following rules shall apply to voting on matters before the Council, except for any instance in which these rules conflict with the City Charter.

- A. Reports and Plans. A majority of a quorum shall be required to approve or accept a report or plan. However, no vote is required if the report is only for informational purposes.
- B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the consent agenda.
- C. Resolutions. A majority of a quorum shall be required to pass a resolution.
- D. Ordinances. Ordinances shall be adopted as provided by the City Charter.
- E. Budget. The budget shall require a majority of a quorum to pass.
- F. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- G. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the City Charter shall not be suspended or rescinded.
- H. All votes shall be recorded in the minutes.
- I. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
- J. Effective Date

- a. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
- b. An ordinance shall become effective as provided by the City Charter.

CHAPTER 6 – Minutes

I. Generally

- A. All City Council meeting minutes shall be in written form, with an electronic copy of the minutes archived by the City Recorder and made publicly available in accordance with state public records laws and regulations.
- B. The minutes shall contain the following information:
 - a. The date, time and place of the meeting;
 - b. The members present;
 - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - d. The results of all votes and the vote of each member by name;
 - e. The substance of any discussion on any matter; and
 - f. A reference to any document discussed at the meeting

II. Approval

The Council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- B. The draft minutes shall be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- C. Any member of the Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

III. Video Recordings

- A. All City Council regular meetings shall be video recorded, with a copy of the video recording archived by the City Recorder and made publicly available in accordance with state public records laws and regulations.
 - a. In the case of meetings other than regular City Council meetings, the above video recording requirement is subject to the discretion of the Presiding Officer.

CHAPTER 7 – Appointments

I. Appointments of City Staff

The Council appoints and can remove those positions identified in the City Charter. All appointments require a majority vote of the entire Council.

- A. Reviews. Any person appointed by the Council shall be subject to periodic review by the Council.
- B. Removals. All appointed persons may be removed by a majority vote of the entire Council.
- C. Interference with Judge. If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance shall the Council be permitted to interfere with the judge's exercise of judicial authority or discretion.

II. Appointments of Members to Boards, Commissions, and Committees

- A. Rules and policies for the creation of Boards, Commissions, and Committees, and for appointments of members thereto, shall be adopted by Council Resolution.
- B. Any questions of procedure not specifically addressed in the officially adopted rules and policies referenced above are left to the discretion of the Mayor.

III. Liaisons to Boards, Commissions, and Committees

To facilitate the exchange of information between the Council and its advisory bodies and standing committees, the Mayor will, at least biennially, make liaison appointments to City boards, commissions and committees.

- A. Councilors assigned as a liaison to a board, commission, or committee may participate in the discussion and framing of recommendations to forward to the full City Council. Councilors will represent the position of the board, commission, or committee when presenting recommendations to the City Council.
- B. In order to respect the separation between the Council and boards, commissions, and committees, Councilors assigned as a liaison shall refrain from:
 - a. Attempting to lobby or influence boards, commissions, and committees on any item under their consideration. It is important for the advisory body to make objective and independent recommendations to the Council.
 - b. Becoming involved in the body's discussions without first explaining his or her role as a Council liaison.
 - c. Voting at the body's meeting on any item.

- C. Council members who are not liaisons but who choose to attend a meeting of a board, commission, or committee shall do so as a member of the general public, and shall only speak during the meeting's designated public comment period unless requested to otherwise participate in the meeting by the Presiding Officer of the board, commission, or committee.

CHAPTER 8 – Ethics, Decorum, and Conduct

I. Ethics

All members of the Council shall review and observe the requirements of state ethics laws and regulations. In addition to complying with state ethics law, all members of the Council shall refrain from:

- A. Disclosing confidential information.
- B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
- C. Conducting themselves in a manner so as to bring discredit upon the City.
- D. Participating in a discussion or vote if the member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter; or participating in a discussion or vote if the member has a potential conflict of interest as defined by the Oregon Revised Statutes or the City Charter without first declaring such fact for the record.

II. Decorum

- A. The Presiding Officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the Council.
- B. Council Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
- C. Members of the city staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as Council Members.

III. Statements to the Media and Other Organizations

- A. Representing the City. If a Council Member represents the City before representatives of another governmental entity, the media, or an organization to provide a City statement on an issue, the member may only state the official position of the City, as approved by a majority of the Council.
- B. Personal Opinions. If a Council Member appears in their personal capacity before representatives of another governmental entity, the media, or an organization to give a personal statement on an issue, the member must clarify that their statements do not necessarily represent the position of the Council.
- C. The effectiveness of City lobbying in Salem or in Washington, D.C. depends on the clarity of the City's voice. When Council members represent the City in a lobbying situation, it is appropriate that the Council members avoid expressions of personal dissent from an adopted Council position.
- D. When Councilors attend meetings of organizations such as the League of Oregon

Cities or the National League of Cities and their boards and committees, they do so as individual elected officials and are free to express their individual views. If the City Council has an adopted policy relating to an issue under discussion, the Councilor is expected to report that fact.

IV. Confidentiality

Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.

- A. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative pertaining to the subject of the executive session, nor communicate any executive session discussion.
- B. All public statements, information, or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
- C. The Council, by resolution, may censure a member who discloses a confidential matter.

CHAPTER 9 – Interactions with Staff & City Attorney

I. Interactions with Staff

All Council Members shall respect the separation between the Council's role and the role of city staff by:

- A. Not interfering with day-to-day operations and administration of City business, which is the responsibility of City staff. The appropriate role of the Council is to serve as the City's policy making body. If Council Members wish to express specific concerns regarding staff, they should address their concerns to the City Manager.
- B. Refraining from actions that would undermine the authority of the City Manager or a director.
- C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.
 - a. Questions from individual members of the Council requiring significant time or resources (one hour or more) shall normally require approval of the Council.
 - b. A Council member who desires major policy or ordinance research should first raise the issue at a meeting during Council Reports. The Council should consider items in light of City priorities and workload and agree to proceed with an issue or ordinance before staff time is spent preparing a report. The Council member may present information or a position paper or ask for a department report or committee recommendation. Council members who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.
 - c. Members of the Council shall normally share information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their private capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.
 - d. Council Members who email staff with questions pertaining to items on an upcoming Council meeting agenda shall copy (cc) the entire Council on the email.
 - e. Council Members shall comply with public meetings law and avoid deliberating on policy matters by responding to the communications discussed in this section.

II. Requests to City Attorney

Requests to the City Attorney for advice requiring legal research shall not be made by a Council member except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this are issues that are related to the performance of the City Manager and/or unique and sensitive personnel, provided they are City business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Manager.

Chapter 10 – Other Matters

I. City Council Vacancies

Upon declaring a vacancy on the City Council, the Council will fill the vacancy according to the provisions of the City Charter. The Council will adopt a process and procedure for filling the vacancy during a regular meeting, which shall adhere to the following requirements:

- A. The vacancy will be widely advertised and applications will be completed and submitted to the City.
- B. After the application deadline has passed, the Council will review applications using evaluation criteria publicly adopted by the Council.
- C. The Council will interview applicants during a public meeting.
- D. The Council will make a decision to fill the vacancy during a regular meeting.

II. Litigation

Within 30 days of the City's receipt of a statutory notice of intent to sue, or a summons and complaint for damages, the Council will either receive a written report, or will meet in executive session with the City Manager

III. Conferences and Seminars

- A. Members of the Council are urged to educate themselves about local government and participate in intergovernmental collaboration. To that end, as funding allows, Councilors are urged to attend functions of the Clackamas Cities Association, the League of Oregon Cities, the National League of Cities, the Oregon Mayors Association (as applicable), the US Conference of Mayors (as applicable), and other similar intergovernmental organizations. Members of the Council who serve on committees or the boards of such intergovernmental organizations will be reimbursed for reasonable expenses not covered by the respective body as funding allows.
- B. If a member of the Council resigns their position but continues to serve on the board of an intergovernmental organization and is expected to attend a meeting, conference, or seminar, the expenses not covered by the respective body will be reimbursed by the City as funding allows.
- C. Upon a Councilor's return from attending a conference, training seminar or meeting, the Councilor will give a report to all members of the Council unless the majority attended the same function, or if requested by any Councilor who did not attend the conference, seminar, or meeting.
- D. Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, as set forth in official City policy. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) will require advance approval according to official City

policy.

- E. The Council Member who will be traveling should make his or her own reservations for travel and lodging. The City will issue the appropriate purchase order/expenditure upon request and approval by the City Manager.
- F. The City does not reimburse Council members for travel expenses incurred by their spouses, family members, or other travel partners.

IV. Council Member Benefits

In recognition of their service, Council Members are entitled to receive the following benefits at the City's expense:

- A. One membership to a local fitness facility, with a value not to exceed \$50 per month.
- B. SandyNet gigabit fiber internet service to one home.

CHAPTER 11 – Censure

I. Enforcement

The Council may enforce these rules and ensure compliance with city ordinances, the City Charter, and state laws applicable to governing bodies. If a member of the Council violates these rules, city ordinances, the City Charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand, or censure by Council resolution.

II. Investigation

The Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City Charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

CHAPTER 12 – Amendment

I. Amendment

These rules are subject to amendment by the Council in accordance with the rules noted herein.

- A. All amendments to these rules must be made by Council resolution following a public hearing.
- B. Amended rules shall not go into effect until the meeting after the amendments were approved.