

CITY OF TOLEDO		City Council Rules		
POLICY AND PROCEDURE				
NUMBER:	901C	APPROVED:	03/18/91	DISTRIBUTION:
		REVISED:	11/15/00	
			10/17/07	
			09/16/09	
			10/07/09	
EFFECTIVE DATE:	11/07/09	METHOD:	City Council	PAGE NO: 1 OF 13

PURPOSE: To provide basic City Council procedural rules to preserve and implement effective City government.

1. MEETING SCHEDULES.

- A. **Regular City Council Meetings.** The Council shall meet at 7:00 p.m. on the first and third Wednesday of each month in the City Hall Council Chambers or at any place that the Council may direct. On recognized City holidays which fall on Wednesday, the Council shall meet on the following Thursday.
- B. **Special City Council Meetings.** The Mayor, or in the Mayor’s absence, the President of the Council may call a special meeting of the Council. Four Councilors may also call a special meeting by filing a request with the City Recorder. Notice of a special meeting shall be given to each member of the Council at least 24 hours in advance of the meeting. Notice may be given in writing, in person, by telephone or by electronic communication. No business other than that for which a special meeting is called can be transacted at a special meeting.
- C. **Executive Sessions.** An executive session (a meeting closed to the public) may be held in accordance with the Oregon Public Meetings Law. The Presiding Officer may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 that authorizes the session. Executive sessions may also be separately scheduled pursuant to the requirements for special meetings.
 - 1. **Attendance at Executive Sessions.** The Presiding Officer shall determine which persons other than the Council shall attend an executive session.
 - 2. **Media Attendance.** Representatives of the news media shall be allowed to attend executive sessions except those called pursuant to ORS 192.660(1)(d) (deliberations with persons designated to carry on labor negotiations). The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session.

3. **Final Decision Prohibited.** No final decision shall be made in executive session. To make a final decision, the presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session.
- D. **Work Session:** The Council shall meet on a regular monthly schedule to review and discuss topics of interest to the Council. The meeting date and time shall be determined by consensus of the Council.
- E. **Workshop Meetings.** Workshop meetings may be scheduled as necessary by consensus of the Council. Workshop meetings are informal sessions to review upcoming issues, receive special reports, conduct goal setting sessions and for special training purposes.

2. **MEETING PROCEDURES.**

A. **Robert's Rules of Order.**

1. The current edition of Robert's Rules of Order Revised shall be used as the guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's rules shall be necessary and approved by the Council.
2. The City Council agrees to be clear and simple in its procedures and considerations of decisions before it. The Council shall avoid invoking the finer points of parliamentary rules to obscure issues and arouse audience suspicion at public meetings.

B. **Presiding Officer.** The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. In the case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a Presiding Officer by majority vote. 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 debate and vote on any issue and shall not be deprived of any of the rights and privileges of a Councilor.

C. **Quorum Requirements.** The Presiding Officer shall call the meeting to order at the time designated for a scheduled meeting. Except to adjourn, a quorum is necessary to conduct business at any meeting of the City Council. A quorum is defined by charter as a majority of incumbent members of the Council.

D. **Agenda Items.** In order to make more efficient use of meeting times, the Manager shall place all items that are routine in nature and on which no debate is expected on a "consent agenda". Consent agendas may be approved by a single motion "to adopt the consent agenda", which is not debatable. Adoption of the consent agenda shall be by affirmative vote of all Council members present and shall have the same effect as a separate vote for each item. Any Councilor may request an item be removed from the consent agenda to be discussed and voted upon as a separate action item.

E. **Order of Business.** The order of business at Council meetings shall be as follows unless adjusted by the Presiding Officer:

1. Call to order
2. Visitors Comments. (Council appreciates limiting presentations to 5 minutes.)
3. Consent Calendar
4. Discussion and Information Items
5. Decision Items
6. Reports and Comments
 - a. Department Reports
 - b. City Manager's Report
 - c. Council Comments
 - d. Mayor Comments
7. Executive Session (*If necessary*)
8. Adjournment:

F. **Public Hearings.** The Presiding Officer shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda. The public hearing procedure shall be followed as set forth in Appendix A. The Presiding Officer may, with the approval of Council, limit the time and number of speakers at each public hearing. In such event, the Presiding Officer shall announce such restriction prior to the beginning of the hearing.

G. **Voting Procedures.**

1. **General.** The vote on every motion shall be taken by a show of hands or roll call and entered in the meeting minutes. Any other questions before Council shall not require a recorded vote unless requested by any Council member. A member's explanation of their vote shall not be in order during a roll call.
2. **Duty to Vote.** Every member when a question is taken shall vote, unless a majority of the Council for special reason excuses the member. Any Councilor shall withdraw themselves from the item being voted on should there exist a direct pecuniary interest in the matter.
3. **Reconsideration of Actions Taken.** Any Councilor who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered at the same meeting, no motion for further reconsideration shall be made without unanimous consent of the Council.

H. **Rules of Order**

1. **Councilor Presentations.** Every Councilor desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine their remarks to the question under debate.

2. Questioning of Staff. Councilors desiring to question the administrative staff may direct the inquiry to the City Manager or to the person designated by the City Manager to answer the inquiry during the Council meeting.
3. Administrative Staff, City Employees Addressing Council. City administrative staff and other City employees desiring to address the Council shall first be recognized by the Presiding Officer and shall address such remarks to the Presiding Officer. The staff shall respond to questions or comments by the Council or members of the public with permission of the Presiding Officer, and shall do so in a polite, tactful manner.
4. Citizen Question or Discussion.
 - a. No person shall enter into any discussion without being recognized by the Presiding Officer. Any citizen desiring to address the Council should come to the designated location to address the Council and be recognized by the Presiding Officer. After being recognized by the Presiding Officer, the person shall state their name and address for the record and their remarks shall be limited to the question under discussion.
 - b. Any citizen addressing the Council shall be limited to five minutes unless the Presiding Officer grants more time. No citizen shall be allowed to speak more than once upon any one subject.
 - c. The Presiding Officer shall give citizens an opportunity to address the City Council under "Decision Items". Comments shall be limited to the decision item on the floor and not exceed five minutes.
 - d. After a motion has been made, no citizen shall address the Council without first securing permission from the majority of the Council.
5. Decorum of Meeting.
 - a. Improper Conduct. The following items are not condoned by the City Council and may be cause for the Presiding Officer to have the person(s) removed from the Council Chambers:
 - i. Using or making of loud or disruptive language, noise or conduct which obstructs the work or the conducting of the business of the Council.
 - ii. Engaging in violent or distracting action.
 - iii. Willful injury of furnishings or of the interior of the Council Chambers or other meeting place.
 - iv. Refusal to obey any rules of conduct, including the limitations on occupancy and seating capacity.

- v. Refusal to obey an order of the Presiding Officer or an order issued by a Councilor which has been approved by a majority of the Councilors present.

I. **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 a violation of any City Ordinance, the Sergeant-at-Arms may place such person under arrest and cause such person to be prosecuted under the provisions of the Municipal Code.

1. **Removal Action.** The Presiding Officer shall warn any person(s) whose conduct is described above before taking action to have such person(s) removed.
2. **Vacating Council Chambers.** If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Councilors present may order the Council Chambers or other meeting place to be cleared.
3. **Picture Taking and Filming.** Filming in the Council Chambers or other meeting places shall be allowed when permitted by the Presiding Officer.
4. **Parliamentarian.** The Parliamentarian shall be designated by the Presiding Officer. It is the Parliamentarian's duty to assist the Presiding Officer to maintain the order and decorum at all meetings.

J. **Seating Capacity And Safety Requirements.**

1. The safe occupancy and seating capacity of the Council Chambers, as determined by the Fire Chief, shall be posted within the Council Chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.
2. Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the chambers, and should not move forward of the seating areas unless wishing to address and be recognized by the Presiding Officer.

K. **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, any other meeting place, or in any meeting place where a public hearing is being held. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing of individuals, provided that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another.

L. **News Media**. The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Accommodations shall be made where practical for members of the press at Council meetings so that they may observe and hear proceedings clearly. The terms “news media” “press” and “Representative of the press” for the purpose of these rules are interchangeable and mean someone who:

1. Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and
2. Regularly reports on the activities of government or the governing body.
3. Final and binding decisions on the ability to qualify as a representative of the news media shall rest with the Council.

3. **FILLING VACANCIES**. Any vacancy occurring on the City Council, Budget Committee, Planning Commission, or other commissions or boards shall be filled as follows:

A. **Advisory Commissions or Boards**.

1. When vacancies occur in one of the City boards or commissions, the City Manager shall inform the news media of the vacancies and invite all interested, qualified candidates to file an application form supplied by the City (see Appendix B). The Council may establish a closing date when applications must be filed with the City Recorder.
2. Candidates for appointment to the Planning Commission or Budget Committee shall be interviewed by the Council as soon as practical after the closing date for applications. Interviews shall be scheduled at a Council agenda meeting and the Council shall make its selection to fill the vacancy at its next regularly scheduled council meeting after the interview. In making the selection, each Councilor shall vote by written ballot for one person from the nominees. The majority of votes cast will select the candidate to fill the office. In the event that no candidate receives a majority of votes cast, the vote will be retaken until a person receives a majority of votes cast.
3. The Mayor, with the consent of the Council, shall make appointments to other city boards and commissions.

B. **City Council**.

1. When a Council position becomes vacant, the City Manager shall inform the news media of the vacancy and invite applications to be filed by all interested, qualified candidates. City Council candidates shall be required to fill out a City application form (see Appendix B) and file a resume setting forth their background and a statement of reasons why they desire to be considered for appointment to fill the vacancy. The Council shall establish a date when all applications must be filed with the City Recorder. The filing of an application from any person eligible for Council shall be considered as placing that person in nomination.

2. After the filing date for a vacated Council position, the Council shall direct the City Manager to set a time for interviews with the candidates. Prior to the interviews, the Council shall review and establish criteria to be eligible for the vacated position and shall direct the City Manager to inquire and report back to the Council on whether the candidates fulfill such criteria.
3. When the Council is satisfied that it has concluded the process of reviewing the qualifications of nominees, the Mayor shall declare the nominations closed. Interviews shall take place with all eligible candidates and selection shall be determined by a process in which each Councilor votes by written ballot for one person from the nominees. The majority of votes cast will select the candidate to fill the office. In the event that no candidate receives a majority of votes cast, the voting will continue until there is a majority. In the event of three non-conclusive rounds of voting without a candidate receiving a majority of votes cast, the Council may either continue with the voting or reopen the process.

4. GUIDELINES AND PROCEDURES FOR CITY COUNCILORS.

A. **Agenda Items.** Any Councilor may have an item placed on the Council agenda. However, in the interest of full disclosure and if a decision is desired, background materials shall be provided to the City Manager one week prior to the Council meeting for placement in the Council packets. If no decision is requested by the Councilor a verbal report will be allowed with the Councilor's name noted on the agenda for presenting that item.

1. Any Councilor may request, if responsible for an agenda item, postponement of the item to another meeting if the Councilor cannot be present at the meeting at which time the item is scheduled.
2. Any two Councilors can request that an item be postponed to the following meeting. Further postponement requires a majority vote of the Councilors present.

B. General.

1. Any Councilor may attend any meeting at which the Council is represented, but only the designated Councilor has the right to vote.
2. Councilors should try to gather necessary information, have questions answered or identify questions to be answered during the Wednesday Council Agenda Meeting, or prior to the regular scheduled Council Meeting..
3. The Mayor's title should be used when appropriate during meetings and functions.
4. A Councilor should only speak for himself/herself and not for other Councilors.
5. Councilors should try not to personalize issues; therefore, discussion should be issue-oriented.
- 6.

7. Councilors should not create or infer a change in City policy before, during or after consideration of a particular issue unless the specific issue has been established as policy by vote of the Council.
 8. During public meetings, Councilors should not attempt to significantly edit or rewrite prepared ordinances because of the potential impact on other issues. If changes are necessary, amendments to an ordinance shall be prepared and reintroduced.
- C. **Conflict of Interest.** Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.
- D. **Legal Advice.** Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor 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 related to the performance of the City Manager and unique and sensitive personnel, yet City business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Manager.
- E. **Communication with Staff.** Councilors shall respect the separation between policy making and administration by:
1. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
 2. Not attempting to influence or coerce the City Manager or department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.
 3. Addressing all formal inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response. All written information given by the City Manager or his/her designee to one Councilor should be distributed to all Councilors.
 4. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.

5. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members. All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.
- F. **Confidentiality**. Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.
1. 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 nor communicate any executive session discussion.
 2. All public statements, information, or press releases relating to a confidential matter will be handled by designated staff or a designated Councilor.
 3. The Council, by resolution, may censure a member who discloses a confidential matter.
- G. **Expenses and Reimbursement**. Councilors will follow the same rules and procedures for reimbursement as those that apply to City employees, as established by City policy. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) may require advance Council approval according to the purchasing rules which apply Citywide.
1. A Councilor who will be traveling on City business may make his or her own reservations for travel and lodging in accordance with City policy. Upon request to the City Manager, travel accommodations for Councilors will be made by City staff.
 2. The City does not reimburse Councilors for expenses incurred by their spouses. (Oregon Government Standards and Practices Commission Advisory Opinion 93A-1007)

Appendix A

GENERAL MATTERS/ORDINANCES PUBLIC HEARING

- I. OPEN the Public Hearing
- II. ANNOUNCE nature and purpose of hearing
- III. STAFF/PRESENTER report
- IV. PUBLIC TESTIMONY
- V. COUNCIL QUESTIONS
- VI. CLOSE HEARING
- VII. COUNCIL DELIBERATION

TOLEDO CITY COUNCIL
PUBLIC HEARING PROCEDURE

Appendix A

These procedures will serve as the guidelines for conducting quasi-judicial land use public hearings.

1. **Open the hearing with a description of the item. Read the agenda heading to announce the item.**
2. **Call for declaration of conflict of interest, ex-parte contact, or bias.**

A Councilor should respond only if they have a conflict of interest, ex-parte contact, bias, or conducted a site visit.

A party wishing to disqualify a Councilor from a decision item should provide notice to the City Manager at least 24 hours before the hearing.

3. **Read statement of rights and relevance.**

All testimony or evidence presented toward the request being heard must be directed toward the relevant criteria contained in the Toledo Municipal Codes, to other city plans or policies, or to other criteria which a person believes pertains to the request.

For each individual hearing item on tonight's agenda, the applicable substantive criteria will be read for each request at the time the request is heard.

All persons shall raise issues with sufficient clarity so as to allow the City Council or others an adequate opportunity to respond to or resolve the issue.

Failure to address a criterion before the close of the hearing record precludes an appeal to the Land Use Board of Appeals based on that criterion.

Failure by the applicant, no later than the close of the hearing record, to raise constitutional or other issues relating to the proposed conditions of approval, with sufficient specificity to allow the city to respond to the issues, will preclude an action for damages based on those issues in the circuit court.

Prior to the close of the evidentiary record of this hearing, a participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. If a participant requests such an opportunity prior to the close of the evidentiary record, then the City Council may either continue the hearing for at least seven days or leave the record open for at least seven days to allow the submission of additional written evidence, arguments, or testimony.

4. **Read the right to appeal.**

An appeal from an action or ruling by the City Council may be filed with the Land Use Board of Appeals (LUBA) within 21 days after the date of the City Council's decision is reduced to writing and bears the necessary signatures and is mailed or otherwise submitted to parties entitled to notice according to Oregon law. The appeal will need to comply with the LUBA appeal procedure and LUBA should be contacted for further information regarding an appeal

In order to have standing for an appeal, a person must have been mailed written notice or have participated in writing or in person at the Planning Commission public hearing or at the City Council public hearing or have been substantially affected by the action or ruling.

5. Staff report. (Including the reading of the applicable substantive criteria)

NOTE: If a large number of people are present to offer testimony, a time limit may be set on individual testimony. If testimony begins to be repetitive, a show of hands for those supporting the views being stated may be called to expedite the hearing.

In the next section of this public hearing procedure, the person presenting the application, the Applicant, may give information regarding the application. People agreeing with the application, the Proponents, may then be heard. People objecting to the application, the Opponents, will then be heard. People who are neither for nor against the application, but are Other Interested Parties or Governmental entities, may then be heard. And finally, the Applicant may speak in rebuttal of any testimony presented.

6. Applicant testimony. (Please state name and address for the record.)

7. Proponent testimony. (Please state name and address for the record.)

8. Opponent testimony. (Please state name and address for the record.)

9. Other interested parties or Governmental Agencies. (Please state name and address for the record.)

10. Rebuttal by applicant.

11. Questions by Council.

Questions may be asked by the City Council of specific individuals. A few minutes of open conversation may occur to clarify general information. If any new information comes forth, the applicant and others should be given an opportunity to specifically address the information.

12. Close the hearing.

13. Deliberations.

The Council will consider the facts presented at the hearing, and if additional time is required, set a public meeting date to announce their findings and decision. During the deliberations, the Council may ask the applicant, proponent, opponent, or staff for clarification or for new information. No input from the audience will be accepted unless solicited by Council.

14. Decision. The Council will make a decision, based on findings of fact.

TOLEDO CITY ADVISORY POSITION APPLICATION

POSITION TO BE FILLED:

DATE OF FILING:

NAME OF CANDIDATE:

ADDRESS OF CANDIDATE:

TELEPHONE:

HOME:

WORK:

GENERAL BACKGROUND:

QUALIFICATIONS:

EXPERIENCE:

COMMENTS OF INTEREST:

WHY SEEKING POSITION:

COMMUNITY INVOLVEMENT:

