RESOLUTION # 19-05

A RESOLUTION TO ESTABLISH THE RULES OF THE CITY COUNCIL

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THE CITY OF ADAMS RESOLVES AS FOLLOWS:

Section 1. COUNCIL MEETINGS:

A. Regular Council Meetings. The Council shall hold a minimum of one regular meeting each month on a day designated by the City Council, in the City Council Chambers at City Hall for regular city business.

B. Executive Sessions. Executive sessions may be called by the Presiding Officer or any two members of the Council. Only Council members, the news media and persons specifically invited by the Council shall be allowed to attend executive sessions. No matter discussed during executive session may be disclosed by any person present during such session.

C. Special Meetings. Special meetings may be called by the presiding Officer, or by request of any two Council members. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor and posted in at least two town locations. Such notices may be delivered by mail or by personal delivery.

D. Emergency Meetings. An emergency meeting of the Council is a Special meeting which can be called when less than 24 hours notice can be given. The minutes need to state the nature of the emergency. Emergency meetings may be held by consent of a majority of councilors. An attempt must be made to notify the public of the need for this emergency meeting. Only the emergency matter(s) giving rise to the need for an emergency meeting may be considered.

E. Public Attendance. All regular and special meetings shall be open to the public.

Section 2. PRESIDING OFFICER:

A. Mayor. The Mayor shall preside at all regular and special meetings, and executive sessions of the Council, and shall be the recognized head of the City for all ceremonial purposes.

B. Council President. At the first meeting of the new year, the Council shall elect, by majority vote, a Council President from its membership. In the Mayor's absence from any Council meeting, the Council President shall act as the presiding officer. Whenever the Mayor is unable to perform the functions of the office, due to absence, illness or other cause, the Council President shall act as Mayor Pro Tem.

Section 3. OFFICER AND EMPLOYEE DUTIES:

A. City Recorder. The City Recorder shall be the Clerk of the Council and shall keep minutes of meetings and shall perform other duties within the function of the meetings as ordered by the Presiding Officer or other members of Council.

B. City Attorney. Requests to the City Attorney for advice requiring legal research shall not be made by a member of the council 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 staff to ascertain whether the request or action can be accomplished more cost effectively by alternate means. Exceptions to this are issues related to the performance of staff and unique and sensitive personal, yet city business-related requests. The City Attorney shall in either case provide a written response to the full council.

Section 4. DECORUM AND ORDER

A. Presiding Officer. The presiding Officer shall preserve decorum and decide all points of order, subject to appeal of the Council.

B. Councilors. Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or Rules of Council. Councilors shall when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

C. Staff and Public. Employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

D. Removal of Any Person. Any person who makes personal, impertinent, or unauthorized remarks, or who becomes boisterous while addressing the Council or attending a Council meeting, shall be asked to remove themselves from the room when so directed by the Presiding Officer. In case the Presiding Officer should fail to act, any member of the Council

may obtain the floor and move to require enforcement of this rule. Such persons may be barred from further audience before the Council and in aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted.

E. Censure

1. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

2. Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegation, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of the Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

Section 5. **DUTIES AND PRIVILEGES OF MEMBERS:**

A. Code of Ethics. Councilors shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure the impartial application of the law to all citizens, and equal treatment of each citizen for the law, without regard to race, national origin, gender, social station or economic position.

B. Debate

1. Any Councilor who has the floor shall confine themself to the question under debate, avoid personalities and refrain from impugning the motives of any member argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

2. Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council.

3. A Councilor, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he /she is speaking, in which case, he or she shall cease speaking immediately until the point is determined. If ruled to be in order, he/she shall be permitted to proceed; if ruled to be out of order he/she shall remain silent or shall alter his/her remarks as to comply with the ruling.

C. Communication with Staff. Any Council member shall respect the separation between policy making and administration by limiting individual contacts with city employees so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the authority of supervisors or to prevent the full council from having benefit of any

member shall be distributed to all council members. Council members shall respect the 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.

D. Right to Appeal. Any member may appeal to the Council for a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Yes, the ruling of the chair is sustained: otherwise it is overruled.

E. Dissent and Protest. Any Councilor shall have the right to express dissent for or against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest may be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or objected decision.

F. Excusal During the Meeting. No member may leave the Council meeting while in regular session without permission from the Presiding Officer.

G. Personal Privilege. The right of a member to address the council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are assailed, questioned or impugned.

Section 6. ORDER OF BUSINESS

A. Order of Business. The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business.

1. Call to order
2. Roll call
3. Pledge of Allegiance
4. Read agenda-Request additions
5. Recognition of visitors-public comments
6. Consent agenda: approval of minutes, financial statements, and bills
7. Resolutions for money transfers
8. Staff reports
9. Committee reports
10. Code enforcer
11. Unfinished business, including prior items table
12. New business
13. Adjournment

B. Agendas

1. Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Items may be placed on the agenda by any Councilor, but such items shall be presented to the City Recorder at least four days prior to the meeting at which they are to be discussed.

2. Agendas for regular meetings shall be accompanied by a summary of upcoming business, copy of previous month's minutes, financial report for previous month, and any other informational material relevant to such Council meeting. Agenda packets shall be distributed to the Council at least four days prior to the meeting.

3. New business brought before the Council in a meeting may be referred to future Council meetings for consideration or discussion.

C. Additions to Agenda. A request to add an item for council consideration to the Council agenda may be presented at the Council meeting, but shall require a majority concurrence of the Council members present to be so added.

D. Special Orders of Business. Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items.

Section 7. CONSIDERATION OF BUSINESS:

A. Quorum. A majority of the council shall constitute a quorum to do business. A lesser number of council members may meet to authorize payment of regular bills and expenses. All other business shall be tabled.

B. Voting. Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice, provided that, upon demand by any member of the Council, a roll call vote shall be made upon any question before the Council. No Councilor may explain the reasons for his/her vote during the roll call.

C. Procedure Generally. When the question has been called for the Presiding Officer shall first ask for the yes votes, followed by the No votes. After a vote has been taken the Presiding Officer shall announce the results of the vote.

D. Voting Required. The concurrence of a majority of those present and voting at a meeting, provided that a quorum is present, is required to determine any matter before the council. Each councilor present must vote on all questions before the council unless the member has a conflict of interest which would disqualify the member from voting. If a member abstains, the reasons for the abstention shall be entered in the record.

E. Minimum Votes Required in Certain Situations. The passage of any ordinance shall require the affirmative vote of at least a majority of the whole Council. After adoption of

an ordinance, the roll call vote each individual member must be entered into the Council minutes.

F. The Vote. In case of a tie in the votes of any proposal, the Mayor shall break the tie.

Section 8. PUBLIC COMMENT:

A. Policy. The Council recognizes that public input into the governmental process is a valuable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desire to speak before the Council shall have the duty to exercise this right in a manner that furthers the greater public interest.

B. Public Comment Generally. Any member of the general public wishing to address the Council a matter of public concern may do so by using the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of three minutes present their information. The Council, in its sole discretion, may extend this time or may request further information be presented to the Council on such date and in such manner as it deems appropriate. The right to discuss the business before the council is reserved exclusively for the mayor, councilors, staff and the city attorney, with the following exceptions:

1. Public hearings; and
2. Citizens wishing to speak on non-agenda items.

The Presiding Officer shall recognize any city staff person or member of the audience for discussion of any matter before the council. No person shall be permitted to speak or present evidence until recognized by the Presiding Officer and given permission to speak or present evidence. All comments, evidence or questions from the floor will be addressed to the Presiding Officer. In the case of questions, the Presiding Officer will request input from the appropriate sources (staff, council, or presenters). No person shall represent irrelevant, immaterial or unduly repetitious testimony or evidence provided, however, the reports and documents prepared by city personnel shall be deemed relevant material and the weight or competency thereof shall be determined by the council.

C. Persons Sharing Common Concerns. If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group shall select a spokesperson, who shall present the views of the group to the Council. The Council, in its sole discretion, my request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petition, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.

D. Roster. All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the

City Recorder, indicating the name of the person, the residence of the person, and the subject of public concern on which the persons or groups wishes to address the Council.

E. Complaints and suggestions to the Council. When any citizen brings a complaint before or makes a suggestion to the Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

1. If legislative, and a complaint about the letter or intent of the legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, staff or a committee for study and recommendation.
2. If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy, the Presiding Officer shall then refer the complaint directly to the affected committee chair for review, if the complaint has not already been reviewed. The Council may direct the committee chair to report to the Council when the review has been made.

Section 9. PROCEDURE FOR COUNCIL MEETINGS

A. Rules of Order. Unless otherwise provided by State of Oregon, Department of Justice, Attorney General's Public Records and Meeting Manual or these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order.

B. Construction of Rules of Order. The Council has an obligation to the citizens to be clear and simple in its procedures and the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose and Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole and confuse the audience at public meetings and the citizens in general.

C. Convening the Meeting. At the time appointed, the Presiding Officer shall chair at the hour scheduled for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting the names of the members present.

D. Requirement of a Second before Debate. No motion shall be debated until it has been seconded and announced by the Presiding Officer.

E. Motions Reduced to Writing. Any Councilor may request that a motion be reduced to writing and read by the City Recorder.

F. Citizens Participation. Citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof.

G. Precedence of Motions. When a question is before the Council, no motion shall be entertained except:

1. to abide by the rules
2. to adjourn
3. to lay on the table
4. for the previous question
5. to postpone to a certain date
6. to refer
7. to amend
8. to postpone indefinitely

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.

H. Motions to be stated by the Presiding Officer/ Withdrawal. When a motion is made and seconded, it shall be stated by the originator or the Presiding Officer before debate. A motion may not be withdrawn without the consent of the member seconding it.

I. Motion to Adjourn-When Not in Order-When not Debatable. A motion to adjourn will be in order at any time except as follows:

1. when made as an interruption of a member while speaking
2. when the previous question has been ordered
3. when a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

J. Motion to Lay on the Table. A motion to lay on the table shall preclude all amendments or debate or the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.

K. Division of Question. The presiding Officer may, upon request of the members, divide a question that contains two or more divisionable propositions.

L. Motion to Postpone. All motions to postpone, except to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

M. Suspension of Rules. No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

N. Adjourned Meetings. Upon motions and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day, or for more than one day, provided that no adjournment shall be a period longer than until the next regular meeting thereafter.

A. Departmental Liaisons. The mayor may appoint a City Councilor or a citizen of Adams as a liaison to the Library Board and the Planning Commission

B. Guidance and Support. Each liaison shall, as needed, support and assist the members regarding implementation and fulfillment of Council authorized policies, and is available for consultation with and reports from the chairperson. The liaison shall introduce any chairpersons sponsored legislation to the Council.

C. Evaluations. The City Council shall evaluate the administrative and maintenance positions employee performance each January for the purpose of objectively assessing performance during the preceding year. Results shall be reviewed by and discussed with the employee by a Council-appointed liaison.

D. Hiring. The Council shall be involved in the selection process of all staff hired. An oral interview board shall be assigned for the purpose of interviewing applicants, which shall consist of at least two councilors, the liaison and be chaired by the mayor or designee. Upon final recommendation, the Council shall take action to ratify that recommendation.

E. Citizens Complaint, Commendation, Other Responsibilities. The Council shall facilitate answers to citizen complaints and forward commendations of city employees.

Section 11. MISCELLANEOUS:

A. Amendments to Council Rules. Amendments to these rules shall be made by resolution.

B. Anonymous Communications. Anonymous and unsigned communications shall not be introduced in Council meetings.

Section 12. SAVING PROVISIONS: If any section, sentence, or any other part of the resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining parts thereof.

PASSED BY THE COMMON COUNCIL, March 11 **, 2019.**

Recorder

Mayor