

CITY OF UMATILLA

# COUNCIL & PROCEDURES

# POLICIES

Adopted 03/07/2023 by Resolution 31-2023



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**Agenda.** The City Manager will coordinate with the Mayor (or presiding officer) on the preparation of an agenda of the business to be presented at a regular Council meeting. No items will be added to or removed from the agenda after the agenda packet is published without the approval of the City Council, which shall vote to approve, including any modifications, the agenda at the beginning of each Council meeting.

- A. A Council member may place or remove an item on a Council agenda by motion at the beginning of each Council meeting, additions and deletions to the agenda must be approved by a majority of the Council. No action shall be taken on items that are not on the agenda without first modifying the agenda by motion. Council members will endeavor to have subjects they wish considered submitted in time to be placed on the agenda, and shall attempt to notify the City Manager in advance of proposing changes to the agenda.
- B. A Councilor who desires major policy or ordinance research should first raise the issue at a meeting under Council Business. 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 Councilor may present information or a position paper or ask for a department report or committee recommendation. Councilors 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.

**Agenda Bill.** Each item of Council business requiring Council action shall be accompanied by an Agenda Bill in a format approved by the Council. In general, the contents of an Agenda Bill include, but are not limited to: Agenda Bill Summary Sheet, Attachments (contracts, policies, etc.), and the corresponding Resolution(s) or Ordinance(s).

**Agenda Packet.** The Agenda Packet is the accumulation of all Agenda Bills, Manager's Reports, and any other presentation or informational item included for discussion or action by the Council. Council agendas and agenda packets will be published the Friday prior to the meeting. The agenda packet will be available for the City Council and public by 4:00 pm the Friday prior to any Council meeting.

**Annual Report of Boards, Commissions, Committees, and Neighborhood Associations.** Each board, commission and committee will annually report to the Council on its activities for the previous year, including their recommendations. The report will be prepared in a format prescribed by the Council.

**Attendance.** Councilors will inform the Mayor, the City Manager, and the City Recorder if they are unable to attend any meeting. Additionally, the Mayor will inform the Council President, the City Manager, and the City Recorder regarding any absence by the Mayor. The Mayor, or the City Recorder, without a majority vote of the Council, may excuse the attendance of a member of the Council at any meeting for illness, vacation or other reasonable cause. Only a majority of the Council shall determine an absence is unexcused. The absence of a member of the Council shall be recorded in the minutes as either excused or unexcused. Three unexcused absences may result in the dismissal of the council member or Mayor upon majority vote.

**Bias and Disqualification.** Prior to the commencement of a quasi-judicial hearing, each Councilor must disclose his or her previous pre-judgment, personal interest or participation in any manner or action on the matter to be heard and shall state whether he or she can participate in the hearing without bias or prejudice. Any quasi-judicial hearing that presents a fiduciary or financial conflict is cause for recusal of any council member or the Mayor. If the Councilor deems him or herself unable to hear the matter

impartially, the Councilor has a duty to step down from the hearing and participate as a citizen, if so desired.

- A. Any person may challenge the qualifications or impartiality of any Councilor about to participate in the discussion and decision. The challenger must state facts relied upon from which the party has concluded that the Councilor will not likely participate and/or make a decision in an impartial manner. Such challenges shall be made at the beginning of the public hearing. The Mayor shall then give the challenged member an opportunity to respond. Any such challenge to a Councilor shall require a vote of the Council to accept or deny the challenge. The Councilor being challenged shall not vote unless required by the law of necessity to do so. Such challenges shall be recorded into the record of the hearing. If the City Council majority determines that the member is biased, it may disqualify the member by majority vote from participating in a decision. In which case, the Councilor may participate in the proceedings as a private citizen if the Councilor is a party with standing.

**City Communications.** As a general policy, the City communication tools (including, but not limited to: newsletter, website, mailers, postcards, bulletin boards, email newsletters and videos) should be used solely for City government related content. Events not sponsored entirely or partially by the City should not be allowed space in City communications. Requests for placement of articles in City communications shall be approved by the City Manager or designee.

**City Manager Evaluation.** The evaluation of the City Manager will be performed under the terms of the Manager's contract.

**Code of Conduct.** Council members commit to conduct themselves in a manner where the dignity and rights of the individual are respected and honored. Harassment in any form will not be tolerated by and between members of City Council, the City Attorney, the Municipal Judge, city boards, commissions and task forces, and persons appointed to service without pay. As to forms of harassment and other inappropriate conduct, the Council shall consult the City's Personnel Policies for City employees for guidance.

**Communication with Staff.** Mayor and Councilors shall respect the separation between policy making and administration by:

- A. Supporting the Council-Manager form of government by adhering to the policy of noninterference in the administration of day-to-day City business, which is directed by the City Manager.
- B. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
- C. At all times respecting the administrative functions of the City Manager and various department heads, and refraining from actions that would undermine the administrative authority of the City Manager or department heads. In all events, the Council will abide by the City Charter and Municipal Code when dealing with the City Manager.
- D. Limiting all inquiries and requests for information from staff or department heads to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature shall be addressed to the City Manager or City Attorney. Such questions should, whenever possible, be put in writing. Questions requiring significant staff time or

resources (one hour or more) shall require the approval of the City Manager. All pertinent information given by the City Manager or City Attorney to the Mayor or a Councilor shall be distributed to all the Councilors.

- E. 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.
- F. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.

**Conferences and Seminars.** Members of the Council are urged to educate themselves about local government. To that end, and as funding allows, Councilors are urged to attend the League of Oregon Cities functions. Requests to attend other government related conferences, training seminars and meetings will be presented to the City Manager for approval. Members of the Council who serve on committees or the boards of the League of Oregon Cities, the National League of Cities or other such government group will be reimbursed for reasonable expenses not covered by the respective body. Should a member of the Council fail to attend a conference, seminar, or training for which they have received reimbursement and/or per diem as permitted under this policy, that member shall be required to reimburse such payment back to the City within thirty (30) days of the failure to attend.

Councilors shall report on information received from their trainings and attended conferences at the next available Council meeting upon return.

**Confidentiality.** Councilors will keep all written materials marked as confidential 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 Councilors, 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 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, the Mayor, or a designated Councilor.
- C. The Council, by resolution, may censure a member who discloses a confidential matter.

**Conflict of Interest.** Councilors shall adhere to State laws concerning conflicts of interest. Conflicts of interest arise in situations where a Councilor 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. ORS 244.020. A Councilor must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue unless allowed by state law. ORS 244.120.

**Consent Agenda.** In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on which no debate is expected on a consent agenda. Any item placed on the consent agenda shall be disposed of by a single motion “to adopt the consent agenda” which shall not be debatable. With the approval of the Council, any Councilor or the Mayor can remove an item from the Consent Agenda. An item removed from the consent agenda shall not receive public testimony unless agreed to by a majority of the quorum. Any item removed from the Consent Agenda will be discussed and considered as the first business item of the meeting.

**Council Rules.** Pursuant to Chapter III, Section 10, of the Umatilla City Charter, the Council shall adopt Council Rules. The Council shall review its rules no later than March 31<sup>st</sup> of every odd numbered year. Amendments shall be adopted by a majority vote. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies, or provisions of the City Charter. These rules may be suspended upon an affirmative vote of the Council.

**Council Standing Committees.** The principles of good Council procedure indicate the value of standing committees by the City Council and as such, the following standing committees will be appointed by the Mayor at the first regular Council meeting each calendar year:

- A. Policy & Finance
- B. Police & Public Safety
  
- C. Public Works
- D. Community Development
- E. Personnel

Each committee will consist of two Councilmembers, the Mayor or a designated third Councilmember from another committee when overlapping issues are discussed, with the City Manager and appropriate staff.

Special (temporary) committees may be created by the Council for special assignments. When so created, such committees shall be appointed by the Mayor and shall terminate upon completion of their assignment, or they may be terminated by a majority vote of the Council attending at any regularly scheduled meeting.

**Emergency Meetings.** In the case of an emergency, an emergency meeting may be called by consent of all available Councilors upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours’ notice. The City shall attempt to contact the media and other interested persons to inform them of the meeting. Councilors are responsible to inform staff of how they can be reached when out of town.

**Ethics and Professional Conduct.** All members of the council shall review and observe the requirements of state ethics law. All members of the City Council shall constantly strive to meet the highest ethical standards in their role of City Councilor. Councilors are encouraged to 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 impartial application of the law

to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station, or economic position.

Among these standards are:

- I. Councilors shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain.
  - A. Councilors shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:
    1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
    2. Making decisions involving business associates, customers, clients, and competitors.
    3. Promoting relatives, clients or employees for boards and commissions.
    4. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends.
    5. Seeking employment of relatives with the City.
    6. Actions benefiting special interest groups at the expense of the City as whole.
- II. Adhere to these approved Council Rules.

#### Ethics or Professional Conduct Violations.

- A. 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. The Council, acting as a whole, may reprimand or discipline to the extent provided by law, any member(s) of the council, or any member(s) of a board, commission or committee directly associated with the City Council.
- B. To exercise such right, the alleged offender(s) must first be notified of a finding that reasonable ground exists that a substantial violation has occurred prior to referral for investigation of the Council. Council may hold an executive session to consider the complaints or charges unless the person requests an open according to ORS 192.660(2)(b) Discipline of Public officers and employees.
- C. The accused member(s) shall have the right to present a defense to the allegations, including the right to have legal representation at such meeting.
- D. Upon finding that a substantial violation has occurred, the Council may, upon a super majority vote of the balance not accused, proceed with censure or impose a proper sanction as allowed by the Umatilla City Charter, Umatilla City Code, or these Adopted Council Policies & Procedures. For purposes of this section, a super majority means the vote of all eligible to vote, less one vote.



**Executive Sessions.** An executive session (meeting closed to the public) may be held in accordance with the appropriate statutory limits of ORS 192.660(2). All executive sessions shall be audio recorded as provided for in ORS 192.650(2) unless the Council determines that written minutes should be taken. Material discussed during an Executive Session should not be disclosed, as provided in ORS 192.610 and 192.660. Executive session subjects are limited to: hiring the City Manager or City Attorney, dismissal or discipline, labor negotiations, real property transactions, exempt public records, trade negotiations, consultation with City Attorney on litigation or potential litigation, City Manager or City Attorney evaluations, public investments, and any other topic allowed by State statute.

**Exhibits.** Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made part of the record. The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.

**Ex Parte Communications.** When Council receives any ex parte communication, Council should inform the citizen that the Council is interested in his or her perspective; however, because the Council is hearing the associated land use application, Council are advised to refrain from reading and responding to information outside of the public hearing process. Council should inform the citizen that the information received is being forwarded to staff for inclusion in the public record. Council shall then forward all ex parte correspondence received to staff as soon as possible for inclusion in the land use file, and if possible, the record.

**Ex-Parte Contacts and Disqualifications.** In the case of quasi-judicial decisions, Ex-parte contacts consist of being party to any written or verbal communication by a party about a fact that relates to any issue of the hearing that occurs when other interested parties are not present or able to receive the information.

Councilors are advised to refrain from engaging in discussions about a pending quasi-judicial decision outside of the public hearing. However, if a Councilor partakes in or receives written or oral ex-parte contact prior to any such hearing, the Councilor shall disclose the communication for the record and/or reveal the contact and substance of the contact prior to the commencement of the hearing. The Councilor will state whether such contact affects his/her ability to vote on the matter in an impartial manner and whether he/she will participate or abstain. The presiding officer shall then announce the right of interested parties to rebut the substance of the communication. If the Council determines that the Councilor should step down for the hearing by a majority vote, the Councilor would then be allowed to participate in the proceedings as a private citizen.

**Expenses and Reimbursement.** Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, set forth in the policy manual. Councilor expenditures for other than routine reimbursable expenses (e.g. conference registration, travel, etc.) will require advance City Manager approval.

Councilors may waive all or a portion of their allowable reimbursement for expenses incurred on official City business, provided they make their intention to waive such reimbursement known at time of request. However, the requirement to present a request to attend other government related conferences, training seminars and meetings to the City Manager for approval cannot be waived.

**Filling a Vacancy of the Mayor or Council.** A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The vacancy will be advertised and applications will be accepted. After the filing deadline has passed, the Council may conduct public interviews of applicants. The Council will make a decision to fill the vacancy in a public meeting. The appointee's term of office runs from appointment until the next general election when the appointee must run for office to fill the remaining term of office, if any, of that appointee's position. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.

**Filling Vacancies on Boards, Commissions and Committees.** When a vacancy occurs on any standing commission, board or committee, a public announcement of the vacancy will be made with sufficient time and information provided regarding the duties of the positions and the process of filing an application. The Council may interview applicants for all Boards and Committees. The Mayor, with the approval of the Council, shall fill all vacancies of City committees, boards and commissions.

With the consent of the Council, the Mayor may remove a citizen from a City committee or commission prior to the expiration of the term of office. Reasons for removal may include, but are not limited to: missing three consecutive regular meetings of the committee or commission, disruptive or inappropriate behavior prior to, during, or after committee or commission meetings which prohibit the advisory body from completing its business in a timely manner, or not acting in the best interest of the citizens or City. This includes preventing a committee or commission from carrying out its goals and objectives.

When the Mayor is satisfied that it would be in the best interest of the City and the committee or commission, a citizen may be removed from an advisory position by the following process:

- A. The Mayor will initiate the process by reporting his or her concerns to the City Manager in writing.
- B. Upon review by the City Manager, the Mayor will request the citizen to submit a letter of resignation within 10 days from the Mayor's notification to committee or commission member. The Mayor's letter will contain the reasons for requesting the resignation. The citizen may submit a letter of response as to why he or she should remain on the committee or commission. This letter will be reviewed by the Council prior to action on the removal request from the Mayor.
- C. The Mayor will request the item be placed on a regular Council meeting agenda for consideration for removal of the citizen from the committee or commission. The citizen will be notified of the Council meeting date when this issue will be discussed.
- D. If the Council approves the Mayor's request for removal, the Mayor will send a letter to the citizen informing him or her that he or she has been removed from the committee or commission.

**Flags, Signs and Posters.** No flags, posters, placards or signs may be carried or placed within the Council chambers in which the Council is officially 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.

**Gifts and Recognition.** On occasion, and within the approved budget, the Council may wish to purchase a gift or memento for someone with City funds. Service awards or recognition certificates shall be prepared and presented, after service is completed, to all volunteers who served on the Council Standing

Committees. More ornate plaques or similar service recognition awards shall be prepared and presented for all volunteers who have served for nine years or more. All other gifts or recognition awards shall receive prior approval from the Mayor or a consensus of the Council.

**Legal Advice.** Requests to the City Attorney for advice requiring more than fifteen minutes of legal research shall not be made by a Councilor or the Mayor except with the concurrence of the majority 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 coordinating through the City Manager are for issues related to the performance of the City Manager and unique and sensitive personal, yet City business-related requests. The fifteen-minute time cap as specified in this section shall always be followed in any instance with the City Attorney, unless more time is provided by the concurrence of the majority of the Council. The City Attorney shall in either any case provide any written response provided by the City Attorney to the full Council and City Manager, except as noted above.

**Litigation.** The Council will meet in Executive Session with the City Manager and City Attorney within 30 days of the City's receipt of:

- A. A statutory notice of claim, or
- B. A judicial or administrative filing which initiates action against the City.

**Mayor and City Council Reports.** The Mayor and Councilors will report on the regional meetings they attend on behalf of the city.

**Meeting Staffing.** The City Manager shall attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Attorney shall attend Council meetings upon the request of the City Manager unless excused, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney, if requested, shall act as the Council's parliamentarian. The City Recorder shall attend all Council meetings, unless excused, and shall keep the official journal (minutes) and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff will attend Council meetings upon request of the City Manager.

**Meeting Times.** In accordance with the Chapter III, Section 11 of the Umatilla City Charter, the City Council shall hold a regular meeting at least once each month. It is anticipated that this meeting will take place on the first Tuesday of each month beginning at 7:00 p.m. All other Council meetings will be typically scheduled on the third Tuesday of each month beginning at 6:00 p.m. Council meetings which exceed three hours in length shall be continued to the following evening or the following Council meeting unless extended by majority vote of the Council. Should the need arise; any member of the Council may request a short break which will not be unreasonably withheld

**Minutes.** Minutes will be taken in accordance with ORS 192.650 (1) which states that meetings of the Council shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed

at the meeting and the views of the participants. Minutes shall include the following information: (1) Members present; (2) Motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition; (3) Results of all votes and the vote of each member by name; (4) The substance of any discussion on any matter; and (5) A reference to any document discussed at the meeting. All City Council meetings shall be either audio or audio and video recorded unless the Council determines that written minutes are sufficient for a specific meeting. Staff will post Draft Minutes online within two weeks of the meeting. Minutes will remain draft until approved. Minutes will be posted on the agenda for approval at the next regular business meeting.

**Motions.** When a motion is made, it shall be clearly and concisely stated by its maker. Councilors are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The Presiding Officer will state the name of the Councilor who made the motion and the name of the Councilor who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

- A. A motion may be withdrawn by the maker at any time without the consent of the Council.
- B. If a motion does not receive a second, it dies. All motions that must receive a second, must do so within three minutes or the motion is considered to have not received a second. Certain motions can proceed without a second, including nominations, withdrawal of motion and agenda order.
- C. When a motion is made, the mayor shall not vote except in case of a tie vote of the members of the council present at a meeting.
- D. A motion to table is not debatable unless made during a land-use hearing and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of a regular Council meeting scheduled within the next ninety days at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.
- E. A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed shall be considered at a later time, at the same meeting, or at a specified time in the future. A motion to postpone indefinitely is debatable and is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote. The object of this motion is not to postpone, but to reject the question without risking a direct vote when the maker of this motion is in doubt as to the outcome of the question.
- F. A motion to call for the question shall close the debate on the main motion and is not debatable. This motion must receive a second and fails without a majority vote. Debate is reopened if the motion fails.
- G. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.
- H. Motions that cannot be amended include motion to adjourn, agenda order, lay on the table, reconsideration, and take from the table.

- I. A motion to amend an amendment is in order.
- J. Amendments are voted on first, then the main motion as amended.
- K. Council will discuss a motion only after the motion has been moved and seconded.
- L. The motion maker, Presiding Officer, or meeting recorder should repeat the motion prior to voting.
- M. A motion to continue or close a public hearing is debatable.
- N. A point of order, after being addressed by the Presiding Officer, may be appealed to the body.

**News Media.** The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Workspace may be provided for members of the press at Council meetings upon request so that they may observe and hear proceedings clearly. See also Executive Sessions. The terms “news media” “press” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

- A. Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and either
- B. Regularly reports on the activities of government or the governing body; or
- C. Regularly reports on the particular topic to be discussed by the governing body in executive session.

**Order and Decorum.** 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 Mayor for the purposes of maintaining order and decorum at the Council meeting.

- A. Any of the following shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Mayor, or by a majority of the Council present, remove any person from the Council chamber for the duration of the meeting:
  - 1. Use of unreasonably loud or disruptive language, including personal, offensive or slanderous remarks, or actions that are boisterous, threatening or personally abusive.
  - 2. Making of loud or disruptive noise, including applause.
  - 3. Engaging in violent or distracting action.
  - 4. Willful injury of furnishings or of the interior of the Council chambers.
  - 5. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
  - 6. Refusal to obey an order of the Mayor or an order issued by a Councilor which has been approved by a majority of the Council present.
- 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 Mayor to cease his or her

conduct. If a meeting is disrupted by members of the audience, the Mayor or a majority of the Council present may declare a recess and/or order that the Council chamber be cleared.

- C. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings. 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 members of council.
- D. Councilors shall refrain from distracting behavior while on the dais. These may include, but are not limited to: frequent audible moans/groans, sending and receiving text messages, exaggerated body language, outbursts, etc. Councilors shall make every effort to be engaged and focused throughout the Council Meeting and provide the appropriate and important attention to each agenda item.

**Order of Business.** The City Manager shall have the authority to arrange the order of business as is deemed necessary to achieve an orderly and efficient meeting with final approval of the Mayor. In general, the order of business will be as follows:

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Agenda
- E. Mayor and Committee Reports
- F. City Manager's Report
- G. Public Comment
- H. Consent Agenda
- I. New Business
  - a. Items Removed from the Consent Agenda
  - b. Public Hearings
  - c. Ordinances and Resolutions
  - d. Other Business
- J. Public Comment
- K. Discussion Items
- L. Mayor's Message
- M. Council Information and Discussion
- N. Adjourn

The Mayor may use the gavel to commence the meeting, after each vote and to close the meeting.

**Ordinance Reading and Adoption.** All ordinances and resolutions shall be prepared under the supervision of the City Manager and reviewed and approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department head.

- A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only and effective upon adoption.
- B. The Council may adopt an ordinance in any of the following circumstances:
  - 1. Before being considered for adoption, the ordinance has been read in full at two separate Council meetings.
  - 2. At a single meeting by unanimous vote of the whole Council, after being read twice by title only.
  - 3. Any of the readings may be by title only if no Council member requests to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and three copies are provided for public inspection at the City offices not later than one week before the first reading of the ordinance, and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall and two other public places in the City or by advertisement in a newspaper of general circulation in the City. An ordinance enacted after first being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.
  - 4. Upon the enactment of an ordinance the custodian of records shall sign it with the date of its passage and the endorser's name and title of office and thereafter the Mayor, or President of the Council acting pursuant to Chapter III, Section 9 of the Umatilla City Charter, shall sign it with the date of its passage and the endorser's name and title of office. Failure of the Mayor or the President of the Council to sign it shall not invalidate it.
- C. Ordinances shall be effective on the thirtieth (30th) day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for immediate preservation of the public peace, property, health, safety or morals may provide that it will become effective upon adoption.
- D. Ordinances shall be adopted by roll-call vote.

**Parliamentary Procedure.** The Council will follow parliamentary procedure such as Robert's Rules or their own customized procedures or as directed by the Mayor.

**Planning Commission Member Testimony.** 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. For legislative land use matters before the Council, Commissioners may testify as a Commissioner, as a Commission Representative if so designated

by the Commission, or as a citizen. For quasi-judicial hearings or petitions for review before the Council, Commission members, who have participated in the preceding Commission decision, may not testify before the Council on the respective matter.

**Presiding Officer.** The Mayor shall be the Presiding Officer and 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 Council President shall preside in the absence of the Mayor. The Presiding Officer shall not be deprived of any of the rights and privileges of a Councilor. In 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 chairperson for the meeting by majority vote.

**Public Comment.** General public comment is established to allow members of the public to speak for five minutes during two designated sections of each Council meeting on any community matter other than specific agenda items. The Mayor may adjust comment time according to the length of the agenda or the number of requested speakers. Mayor may also, at his/her discretion, allow for an individual/organization to provide their comments during a specific item (such as providing that specific agenda items may begin by providing public comment to a specific agenda item.). Verbally abusive or slanderous comments are not allowed.

Councilors are not expected to engage in discussions while receiving comments; however, they may ask clarifying questions with the Presiding Officer's permission. Later, during the business portion of the meeting, Councilors may discuss concerns and direct questions to the City Manager with the understanding that answers from staff may not be immediately available.

Persons requesting to speak must first enter the requested information on the Sign-Up Sheet. A neighborhood representative may speak as an individual as well as the neighborhood representative when presenting items voted upon by the neighborhood association. When presenting items on behalf of the neighborhood association, the designated representative will be allowed up to 10 minutes for this testimony. When called upon, speakers shall first state their name and address for the record. Copies of written comments and materials are to be handed to the City Recorder to deliver to the Council and submit to the record. If a speaker wishes to show a presentation, the presentation must be delivered to City staff 48-hours prior to the meeting.

**Public Records.** The disposition of public records created or received by Councilors shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including electronic mail messages, notes, memos and calendars (e.g., Outlook calendars and "Day timers") are public records and are subject to disclosure under the Public Records Law.

**Questioning of Staff by Council Members.** Every Council member desiring to question the staff during a Council meeting shall address the questions to the City Manager, who shall be entitled to either answer the inquiry or designate a staff member to do so.

**Quorum.** The quorum requirement for the conduct of Council business is three Council members.

**Reconsideration of Actions Taken.** 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.

**Representing the City.** When any member of the City Council represents the City before another governmental agency, before a community organization or media, the official should speak in a manner as to support the majority position of the Council. Upon returning, a reasonable effort should be made by the Council to communicate any information or questions pertinent to City business to the full Council within a reasonable timeframe.

- A. The effectiveness of City lobbying in Salem or in Washington, D.C. depends on the clarity of the City's voice. When Councilors represent the City in a "lobbying" situation, it is appropriate that the Councilors avoid expressions of personal dissent from an adopted Council policy.
- B. The effectiveness of the Council to implement their adopted policies and decisions can be strongly influenced by their ability to demonstrate the support of the Council's legislative and quasi-judicial processes. When Councilors represent the City in public engagements, a Councilor may state any objection they may have had to such a decision generally but should avoid expressions of personal dissent or intentions to not support the official and final decisions of the Council.
- C. 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.
- C. Whenever possible, interviews with the media should be coordinated with the City's Public Information Officer (PIO), City Manager, or both. Councilors are, of course, permitted to meet with and interview with the media if coordination with the PIO or City Manager isn't possible, but are required to adhere to the other terms of this Representing the City and Social Media sections of these Policies & Procedures.
- D. By resolution, the Council may appoint one or two of its members to act as negotiators with groups, individuals, or other governmental entities. Any agreements made by such negotiators shall require approval of the Council as a whole to take effect.

**Social Media.** For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the internet, including to your own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with the City of Umatilla, as well as any other form of electronic communication (including City provided email).

- A. Councilors are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects our citizens or staff who work on behalf of the City of Umatilla or the City's legitimate business interests may result in censure or other disciplinary action by the Council as described in the Ethics or Professional Conduct Violations section of these Rules.
- B. Councilors are free to post personal content, personal opinions, personal likes/dislikes, etc. Every effort should be taken by the Councilor to make it known that such content is of their own

personal nature and not that of the City of Umatilla. However, Councilors acknowledge that they are representatives of the City at all times and in all places and may be subject to censure or discipline as described in the Ethics or Professional Conduct Violations sections of these Rules should their personal content adversely affect the City's ability to successfully conduct legitimate business interests of the City.

C. Prohibited Postings.

1. Councilors will be subject to discipline if they create and post any text, images or other media that violate the City of Umatilla policies, including City of Umatilla's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and will be subject to censure or discipline as described in the Ethics or Professional Conduct Violations sections of these Rules.
2. Never represent yourself as a spokesperson for the City of Umatilla, unless otherwise authorized to speak on behalf of the City. If the City of Umatilla is a subject of the content you are creating, be clear that your views do not represent those of the City of Umatilla or its elected officials or employees.
3. Refrain from phrases that might lead the reader to believe that you are speaking from a higher-informed position. These might include: "I was told..." or "I spoke with someone close to the situation..." , etc. Understand that the public may interpret such comments to mean that you, as an elected official, are speaking from a position with information not readily available to the general public.

D. Encouraged Conduct

1. Always be fair and courteous to the residents we serve, City of Umatilla's employees, other elected officials, and suppliers or other third parties who do business with the City of Umatilla.
2. Understand that your position provides you opportunities to work with the City Manager and City staff to address community complaints directly; a process that is likely to yield far more successful results than by posting or negatively engaging on social media.
3. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage residents, City of Umatilla employees, or elected officials that might constitute harassment or bullying, and/or that violate City of Umatilla policies.
4. Maintain the confidentiality of the City of Umatilla's confidential information.
5. Nothing in this Social Media Policy is meant to prevent a Councilor from exercising their right to make a complaint or to express an opinion on a matter of public concern that does not unduly disrupt City of Umatilla operations. Councilors are free to express themselves as a private citizen on social media sites, but a Councilor's exercise of expression is balanced against the City of Umatilla's interest in the effective and efficient fulfillment of its responsibilities to the public.

**Speaking by Council Members.** Any Councilor desiring to be heard shall be recognized by the Mayor, but shall confine his or her remarks to the subject under consideration or to be considered. Councilors will be direct and candid. Councilors will speak one at a time, allowing one another to finish.

**Special Meetings.** The Mayor, or in the Mayor’s absence the President of the Council, may, or at the request of two or more members of the Council, call a special meeting for the Council in accordance with state law. Special meetings are to be utilized only when absolutely necessary, and public comment shall be taken at all special meetings.

- A. Written notice of a special meeting shall be given to the Council, media and public, with as much advance (up to 10 days) notice as possible, and no less than 24 hours in advance of the meeting. The notice shall be served on each member personally or electronically, or if the Councilor is not found, left at his or her place of residence. All notice requirements of ORS 192.640 shall be satisfied before any special meeting can be conducted.
- B. Special meetings of the Council may also be held at any time by common consent of all members of the Council subject to notice requirements being met. Councilors shall keep the City Manager informed of their current telephone numbers.

**Stipend.** The workload of the City Council and Mayor has significantly increased in order to keep up with the demand of Umatilla’s rapid growth. Regular Council Meetings and supporting Workshops now regularly run longer than two hours in duration. The time and work necessary to adequately prepare for these and other requirements of Umatilla elected officials is substantial. Since the FY 2021-2022 budget the City has adopted a stipend into its adopted budget but has not adopted a policy for elected officials to receive the stipend. This *Stipend* Section serves as the official policy on elected officials receiving a stipend to perform their duties of the Council.

Members of the City Council and Mayor may receive a stipend in the amount approved to each member through the Annual Budget Adoption process. The stipend will be divided evenly by each elected official with payments made monthly no later than the 20<sup>th</sup> of each month.

A Councilor or the Mayor may waive this stipend if they so desire, so long as such waiver is provided to the Finance Department in writing. If a waiver is received by the City, the amount received by the other elected officials is not adjusted upward and the funds associated with said waiver remain with the City.

**Testimony Forms.** The testimony forms for land use hearings will have a place for citizens to mark if they are for, against, or neutral on the topic.

**Voting.** Every Councilor, when a question is taken, shall vote. If a Councilor is planning to abstain, the Councilor must declare the intent to abstain prior to the vote.

- A. No Councilor shall be permitted to vote on any subject in which he or she has a conflict of interest.
- B. The concurrence of a majority of the Council members present at a Council meeting shall be necessary to decide any question before the Council. The meeting recorder shall call the roll, and the order of voting shall be rotated on each question such that each Councilor, excluding the Mayor, has an equal opportunity to vote first and second to last. Since the Mayor acts as chair, the Mayor in all instances shall vote last.

**Workshops.** Workshops of the City Council shall be held in accordance with the Oregon Public Meetings Law. ORS 192.630. Whenever circumstances require such a session, it shall be called by the Mayor, City Manager, or two or more Councilors. These workshops may be held for Council goal setting, new Councilor

training, or longer workshops for planning programs or projects. Goal setting retreats may be held out of town so long as no decision-making or discussion toward decisions occurs. Any goals arrived at by any process should be confirmed in public at a regular Council meeting. The Council may decide if the public is welcome at any of these meetings and they may be held without the opportunity for public input or comment.