

**GLADSTONE CITY COUNCIL
WORK SESSION
CITY HALL COUNCIL CHAMBERS
July 23, 2013**

**7:30 p.m. CALL TO ORDER
ROLL CALL
FLAG SALUTE**

REGULAR AGENDA

- 1. City Council Guidebook**

ADJOURN



REGULAR AGENDA



MEMORANDUM

TO: Honorable Mayor and Gladstone City Council
FROM: Heather R. Martin, Office of the City Attorney
SUBJECT: City Council Guidebook
DATE: July 18, 2013

Attached is a red-lined version of the City Council Guidebook. I wanted to ensure that it is consistent with state law and the City's Charter and Municipal Code. I still need to confirm some information with City staff, but for the most part those portions of the Guidebook are complete.

The reason I want to meet with the Council in a work session is to discuss numerous issues covered in the Guidebook for which the City has not adopted a policy or regulation or because the stated language was not consistent with the Council's current practice. It is for these items I seek Council input before the Guidebook is finalized.

Each item is listed below for discussion during the work session:

- 1. City Council Duties and Roles in the Community - Although the duties are self-explanatory, I want to confirm the role in the community. Please review Section 2.4.6 to ensure that these are consistent with how the Council actually operates in the community. Is anything missing? See also Section 4.3.1.
2. Department Policies - Section 2.5 indicates that each City department should have its own adopted policies. As noted in the comment, police and fire particularly have specific policies that relate to work that only those departments do, and this is appropriate. However, the overriding policy for all City departments is the Personnel Handbook. The City has other policies that it has adopted and are attached to the Handbook which are also applicable to all City departments. Each city department developing its own policies will result in an uneven administration of the City.
3. Committee Agendas - Section 2.7 details how City committee/commission/board agendas are determined. In practice, is this how each committee actually operates? If not, does the Council want to adopt the process as set forth in Section 2.7? Or something close to what actually occurs in practice?

{00321745;2 }



July 18, 2013

Page 2

4. Committee Recommendations – Section 2.8 notes that the “committee chair” presents committee recommendations to the Council – does this mean the Council liaison to that committee? In practice, this process should mirror how ALL items are placed on the City Council’s agenda (see my later comment). Normally, this would entail that the City Council liaison place an item on the agenda, rather than presenting it first to the full City Council or mentioning it during Council Comments and then asking for inclusion on a future agenda.
5. Council Rules/Agenda Setting – Council has not adopted Council Rules which typically cover a lot of the issues raised in Chapter 2. This sets out how items are included in the agenda, how council committee liaisons are chosen, how committees are formed, public comment period guidelines, etc. Does Council want to adopt rules OR include that information in this Guidebook? I am particularly concerned about agenda setting – how does the Council want that process to work?
6. Public Comment – In Section 2.24 there is a 5 minute time limit listed for public comment. To my recollection, the Council determined it did NOT want to limit public comment but would allow the Mayor to make that call if there are a lot of individuals signed up, etc. Which policy does the Council want to adopt?
7. Parliamentary Procedure – In section 2.37 the Guidebook adopts Roberts Rules of Order – technically, the City has not adopted another form of parliamentary procedure (which would normally be included in the Council Rules). So, Roberts Rules would be the primary method of running meetings. I would advise actually adopting a process for how Council business occurs and Robert Rules can be a fallback if those rules do not cover a certain scenario.
8. Advisory Committees – A process is set forth for how their agendas are set, etc. If the Council wants to adopt a uniform process it should ensure that each committee hasn’t already adopted its own rules.

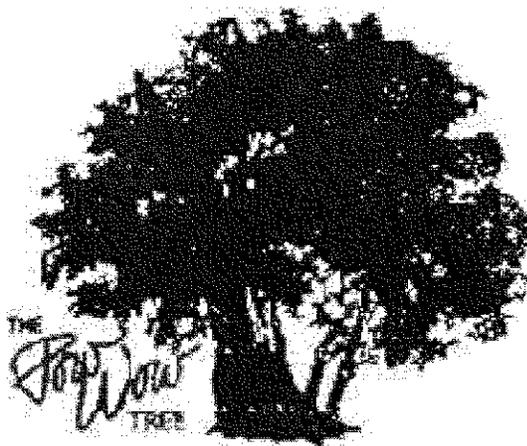
I look forward to discussing these items in more detail with the Council on Tuesday.

HRM/sb

cc: Pete Boyce, City Administrator

City Council Guidebook

City of Gladstone, Oregon



CITY COUNCIL GUIDEBOOK
City of Gladstone, Oregon

This Guidebook was adopted by the Gladstone City Council at a public meeting. The Guidebook is intended to be a working document that will change over time and is that is a guide for City Council actions and practices. ~~It is expected that the same laws, policies and ways of doing business will change over time and that this Guidebook will be amended.~~

The most current, signed version of the City Council Guidebook is filed with the Gladstone City Recorder. A copy is posted on the City of Gladstone website under the City Government/ City Council section,

Gladstone, Oregon - City Council Guidebook

Approved: March 09, 2013 - DRAFT

Amended:

Amended:

Amended:

Signed:

Wade Byers, Mayor

TABLE OF CONTENTS

CITY COUNCIL GUIDEBOOK.....	2
FORWARD	6
City Mission Statement.....	6
City Vision Statement.....	6
City Values Statement.....	7
FREQUENTLY ASKED QUESTIONS.....	8
CHAPTER 1 - INTRODUCTION AND OVERVIEW	9
1-1 History of Gladstone City Government.....	9
1-2 Council-Administrator Form of Government.....	9
1-3 Orientation of New Members.....	10
1-4 Overview of Basic City Documents.....	10
1-5 Gladstone Municipal Code (GMC).....	1110
1-6 City Administrative Guidelines.....	1110
1-7 Comprehensive Plan.....	11
1-8 Annual Budget.....	1211
CHAPTER 2 - GLADSTONE CITY COUNCIL: GENERAL POWERS AND RESPONSIBILITIES	12
2-1 Overview.....	12
2-2 City Council Non-Participation in Administration.....	1312
2-3 City Council Non-Participation in Judicial Matters.....	1312
2-4 Role of City Council Members.....	13
2-5 City Department Operations and Public Policies.....	1514
2-6 Representation on City Council Committees, Commissions and Boards.....	1615
2-7 How Committee Agendas are Formed.....	2019
2-8 Committee Recommendations.....	2120
2-9 Non-Committee Member Attendance at City Council Committee Meetings.....	2120
2-10 Representation on Inter-local and Community Boards by City Council Members.....	2220
2-11 Role of Mayor.....	2221
2-12 President of the City Council.....	2321
2-13 Absence of Mayor and City Council Members/Forfeiture of Office.....	2321
2-14 Personnel Appointments.....	2321
2-15 Incompatibility of Offices.....	2322
2-16 Emergency Response.....	2322
2-17 City Council Meetings.....	2624
2-18 Meeting Schedule.....	2624
2-19 Public Notice of Meetings and Hearings.....	2625
2-20 How can a City Council Member advance a policy issue?.....	2725
2-21 Legislative Process.....	2726
2-22 Scheduling the Agenda.....	2826
2-23 Agenda – Order of Business.....	2826

2-24 Procedure for Communication - During – Business From The Audience ..	2927
2-25 The Consent Agenda	3128
2-26 City Council Members Reports	3129
2-27 Public Hearings	3229
2-28 City Council Action.....	3229
2-29 Open Public Meetings Law	3230
2-30 Work Sessions.....	3631
2-31 Special Meetings	3631
2-32 Executive Sessions.....	3631
2-33 Televised and/or Videoed Meetings	3932
2-34 City Council Attendance Policy	3932
2-35 City Council Member Resignations.....	3932
2-36 Meeting Minutes	3933
2-37 Parliamentary Procedure	4033
2-38 Parliamentarian	4033
CHAPTER 3 - ADVISORY BOARDS AND COMMITTEES	4134
3-1 Establishment of Advisory Committees/Commissions/Boards Appointed by the City Council.....	4234
3-2 Committee/Commission Resignations	4235
3-3 Staff Relationship to Advisory Bodies.....	4335
3-4 City Council's Role and Relationship with City Advisory Bodies.....	4335
3-5 What happens to an item once it is referred to an advisory board or committee?	4335
CHAPTER 4 - INTERACTION WITH CITY STAFF/OFFICIALS	4537
4-1 Overview	4537
4-2 City Council - Administrator Plan of Government	4537
4-3 Roles and Information Flow	4638
4-4 City Council - City Administrator Relationship	4739
4-5 City Council/ City Staff Relationship.....	4839
4-6 City Council/ City Attorney Relationship.....	4940
CHAPTER 5 - SUPPORT PROVIDED TO CITY COUNCIL.....	4941
5-1 Staff/Clerical Support	4941
5-2 Office Equipment.....	5041
5-3 Meeting Rooms.....	5041
5-4 Mail, Deliveries.....	5041
CHAPTER 6 - FINANCIAL MATTERS	5042
6-1 City Council Compensation	5042
6-2 Annual Operating Budget, Master Plans and Capital Project Considerations	5142
6-3 Long-Term Financial Strategy	5343
6-4 Long Range Planning Tool.....	5444
6-5 Financial Disclosure.....	5545
6-6 Contracting.....	5545
6-7 Travel Policy, Miscellaneous Expense and Food Policy (Reimbursement) ..	5545
6-8 Recognition Policy	5546
CHAPTER 7 - COMMUNICATIONS.....	5647

7-1 Overview	5647
7-2 Local Ballot Measures	5747
7-3 Proclamations.....	5747
7-4 Oregon Public Records Law	5747
7-5 Electronic Communications	5748
7-7 Response to Emails	5848
7-8 Response to Paper Letters.....	5848
CHAPTER 8 - CONFLICTS OF INTEREST, ETHICS AND LIABILITY OF ELECTED OFFICIALS.....	5849
8-1 Conflicts of Interest.....	6149
8-2 Applicability.....	6149
8-3 Acts not Constituting a Conflict of Interest.....	6149
8-4 Declaration of a conflict.....	6150
8-5 City Attorney Opinions.....	6250
8-6 Liability	6250
CHAPTER 9 - LEAVING OFFICE	6251
9-1 Return of Materials and Equipment.....	6251
9-2 Filling Council Vacancies.....	6351
9-3 Appointment Process.....	6351
APPENDIX A: List – (City of Gladstone Policies & Procedures).....	6452
APPENDIX B: List – (Other References).....	6553
APPENDIX C – (City Charter)	6654

FORWARD

~~In the course of serving~~ As a public official, you will become involved with many issues. This manual attempts to centralize information on common practices related to local government and your role as a member of the Gladstone City Council. ~~The guidelines and issues addressed in this publication are often complex and subjective.~~

Use this guide only as a reference; it is not intended to establish law. Many formal policies that impact the City Council are included in the Appendices. However, it is not possible for this guide to incorporate all materials and information necessary for undertaking City Council business. Many other laws, plans, and documents exist which bind the City Council to certain courses of action and practices.

This guide is intended to be a helpful resource, and should not be used as a substitute for the guidance or opinion of the City Attorney.

Information contained in this guide will be reviewed by the City Council as needed, or every two years in conjunction with orientation for the new City Council members.

~~While many laws and documents lead the way, the City Council has taken on a City Mission, Vision and Value Statement to assist in developing and making decisions.~~

City Mission Statement

The City Government of Gladstone provides active planning and implementation to support a high quality of life for our community.

We do that by:

- Communicating and working cooperatively with the citizens
- Controlling costs through training, contractual work, careful budgeting and managing administrative expenses
- Supporting and diversifying funding for city services including parks, libraries, public safety, the senior center and utilities
- Using volunteers and citizen committees effectively
- Promoting good customer service
- Building collaborations with federal, state and county organizations

City Vision Statement

Gladstone attracts those who enjoy our parks, rivers, recreational trails, local history and culture. Visitors have a diverse, small town shopping experience, special places to dine, and an opportunity to enjoy the local history and culture of this historic community during their stay.

Comment [HM1]: I am assuming this is the adopted mission for the City? I see the document referenced below as adopted in Sept 2012 so I am assuming yes. Ensure this is consistent with language in the adopted mission statement.

Comment [HM2]: See my comment above.

Gladstone is a place where community members are comfortable, safe, raise families, work, and play in a friendly atmosphere. The schools are vibrant with curious students and dedicated teachers. Sidewalks and cross-walks are clean, well-lit and safe, with beautiful sustainable landscaping, and easy access to pedestrian shopping.

Public transit connects local and regional commercial areas to residential areas while providing diversity with a strong tax base. Our citizens know that a prosperous economy results in a sustainable healthy environment.

The community has a “small town” feel, with access to diverse local goods and services so people don’t have far to drive for convenience items. In the evening, downtown is bustling with diners eating and drinking while overlooking our river vistas. One can join friends and neighbors in a setting surrounded by sustainable garden plantings, demonstrating pride of ownership. Old and new buildings blend to make the downtown interesting and dynamic. The two-rivers setting inspires small business development that is unique and specialized – offering an unusual shopping experience. Gladstone is for everybody!

City Values Statement

The City Council and Staff of the City of Gladstone believe our priority is to be transparent in our work and fiscally responsible with public monies. We hold dear our pride in the volunteers that give time and effort into making this community more beautiful, sustainable and culturally rich. We respect and trust our community organizations and governmental partners that keep us diverse, and we value and cherish the unfiltered debate between citizens, City Staff and City Government over challenges and opportunities that come our way. We appreciate how citizens advocate to others about this place we call home.

Comment [HM3]: See my comment above.

FREQUENTLY ASKED QUESTIONS

What is the Consent Agenda? (See 2-25)

How do I place something on the agenda? (See 2-17 thru 2-23 Sections re: the meeting process)

How specific should motions be? (See Parliamentary Procedures in Appendix B)

How does an Executive Session get scheduled? (See 2-32 Executive Sessions)

What happens to an item once it is referred to a committee? (See-3-5 What happens to an item once it is referred to an advisory board or Committees?)

How do I know if a letter addressed to the full City Council has been responded to? (See Chapter 7 the Communications chapter)

How much City Staff time can I use for policy research? (See Chapter 4 - Interaction with City Staff & Officials)

CHAPTER 1 - INTRODUCTION AND OVERVIEW

As a Gladstone City Council member, you establish important and often critical policies for the community. You act in the capacity of a board member of a public corporation with an annual budget in the millions of dollars. The Oregon Constitution, Oregon Revised Statutes and Administrative Rules along with the Gladstone City Charter and the Gladstone Municipal Code create a framework for City Council in carrying out its duties and responsibilities under state and local law. State laws and local ordinances grant the powers and the responsibilities of the City Council. New City Council members learn early that on the scope of services and issues addressed by the City organization go well beyond those frequently reported in the newspaper or discussed at City Council meetings. In addition, the City Council is subject to adopted certain City of Gladstone policies Administration Guidelines, of which the applicable guidelines are included in Appendix A of this document.

Comment [HM4]: What are these? Is this a policy that has been adopted by the Council? Is this a reference to the Personnel Handbook? If so it should be referred to as its official name.

1-1 History of Gladstone City Government

According to history, Judge Harvey Cross formally incorporated the his City on January 10, 1911 and Oscar C. Freytag became its first Mayor. In the early years a City Councilor was known as an Alderman. Since 1911, there have been 132 persons on record as being Mayors or City Council members through 2012. Currently and since 1911 the Council has been composed of a Mayor and six (6) Councilors/Alderman. Since that time there have been a Mayor and six Council/Alderman members. Mayor Wade Byers has been in office since 1979. Present. He started as a City Councilor a couple of years prior to becoming Mayor.

Comment [HM5]: What time? 1911? If so see revisions

1-2 Council-Administrator Form of Government

The City functions under the council-administrator form of government. The chief characteristic of this form is that the Council appoints a qualified professional to serve as the administrative head of the City's government and who serves at the pleasure of the Council. As set forth under the City Charter, the City Council acts as the legislative body in establishing policy and law and the City Administrator handles the day-to-day management of the City. person as an administrator to take charge of the daily supervision of City affairs. The Administrator serves at the pleasure of the Council.

The City Administrator acts as the CEO of the City government and is in charge of the day-to-day operations of the City. When the City Council makes a decision on an ordinance, law, or policy, the City Administrator is responsible for implementing those policies. The Administrator coordinates the operations of all City departments and is responsible for the preparation of a proposed operating budget and its presentation to the City Council. This annual budget as adopted by Council provides funding, staffing, and general guidance to the City departments for the fiscal year.

~~An absolute separation between policy and administration does not really exist in City Government. However, the Councilor Administrator plan works best when the Council exercises its responsibility for policy leadership and respects the Administrator's leadership role and responsibility of administration.~~

~~When issues arise as to the daily operation of the City government or there are specific issues with City employees, those should be brought to the City Administrator's attention and he or she will handle those issues appropriately. City Councilors should refrain from becoming directly involved with administrative duties. The City Councilors shall not give orders to City employees. If any of the City Councilor's think differently than how something is done and/or is handled, they will work the specific issue(s) with the City Administrator of which he or she will handle as they see fit.~~

~~It is against state law for City Councilors to It is also understood that City Councilors will not attempt to influence or coerce the City Administrator with respect to appointments, purchasing, or other matters. However, the City's Charter does not prohibit the City Council from discussing administrative matters with the City Administrator in open meetings or one-on-one.~~

~~For more information on the role and duty of the City Administrator see Chapter 4.~~

1-3 Orientation of New Members

~~It is important for the members of the City Council to gain an understanding of the full range of services and programs provided by the City. As new members join the City Council, the City Administrator and Department heads will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key Staff.~~

At any time, if there are facilities or programs about which you would like more information, please make arrangements through the City Administrator and Department heads to increase your awareness of these operations.

1-4 Overview of Basic City Documents

The link to some documents is through the City's website at <http://www.ci.gladstone.or.us>.

The other important documents that affect this Gladstone City Council Guidebook are noted in Appendix A and Appendix B.

Appendix A covers those documents that are controlled/written generally by Gladstone City Staff or Attorney(s) and were approved, by the Gladstone City Council.

Comment [HM6]: Is this every time there is a new member? Or only after elections? Should clarify that here and make sure this is happening in practice.

Appendix B covers documents that were written and approved by the State of Oregon or League of Oregon Cities.

1-5 Gladstone Charter and Municipal Code (GMC)

Comment [HM7]: The Charter and Code are 2 different documents.

The current City Charter as amended was adopted in 1984 and amended in 2012. The Charter provides a framework for City government while the Gladstone Municipal Code (GMC) sets out local law. The Gladstone Municipal Code has a Table of Contents and an starts with a Table of Contents with the City's Charter and Charter Index and Titles thereafter from one thru the end, of which there is an Index and Tables that provides an Ordinance List and Disposition Table to assist in finding the specific item/code that you are looking for.

The City's Charter covers how the City is governed while Titles and codes thereafter break down specifics for the Titles listed.

1-6 City Administrative Guidelines

The City's Administrative Guidelines are personnel policies developed by the City Administrator and his/her Staff and Department Heads. The Gladstone Personnel Handbook contains guidelines for City employees and is a composite of these guidelines and its use is approved by the City Council. These guidelines as applicable to the City Council are included in Appendix A of this document.

Comment [HM8]: This is confusing -- what are the Administrative Guidelines? See my edits above. The personnel policies are contained in the Personnel Handbook.

1-7 Comprehensive Plan

The City's A-Comprehensive Plan is an official document adopted by the City which sets forth general long range policies on how the community's future development should occur. is a long range general policy guide in which a municipal government sets forth its major policies concerning desirable future development over a period of fifteen to twenty years.

Comprehensive Plans must address all applicable topics in the Statewide Planning Goals and anticipate and provide for future land needs for at least 20 years going forward. The Gladstone Comprehensive Plan includes two Sections. The first covers the Goals, Objectives, Policies and Implementation Strategies. This section was originally completed in 1979 and has been updated four times since, October 2006 being the last.

The second section covers Inventory and Analysis and was completed in April of 1979.

Comment [HM9]: Confirm this is accurate.

1-8 Annual Budget

Comment [HM10]: Moved this to the financial chapter 6 below.

The annual budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget each June, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for governmental operations.

The City of Gladstone and Gladstone Urban Renewal budget is estimated by the City Administrator. A packet of material is reviewed and approved by the Budget Committee and City Councilors prior to each fiscal year end. The Fiscal Year for Gladstone is July 1st - June 30th.

CHAPTER 2 - GLADSTONE CITY COUNCIL: GENERAL POWERS AND RESPONSIBILITIES

2-1 Overview

Fundamentally, the powers of the City Council are to be utilized for the good of the City and its residents: to provide for the health, safety and general welfare of the citizenry. Accordingly, the City of Gladstone values personal honesty and integrity, open and accessible government, fiscal responsibility, fair treatment of individuals and a customer service emphasis in an organization.

Comment [HM11]: This should be in the mission or vision statement above.

It is important to note that the City Council acts as a body. No member has any extraordinary powers beyond those of other members. While the Mayor has some additional ceremonial and presiding officer responsibilities as described below, when it

comes to establishing policies, voting, and in other significant areas, all members are equal.

Policy is established by at least a majority vote of the City Council. While individual members may disagree with decisions of the majority, a decision of the majority does bind the City Council to a course of action. City Council members should respect adopted City Council policy.

It is the City Administrator's responsibility to ensure the policy of the City Council is implemented/enacted. Actions of Staff to pursue the policy direction established by a majority of Council do not reflect any bias against City Councilors who held a minority opinion on an issue.

2-2 City Council Non-Participation in Administration

~~The City Council is the legislative branch of Gladstone City Government, and the City Administrator and his/her Staff are the executive/administrative branch. In order to uphold the integrity of the Council Administrative form of government, and to provide proper checks and balances, members of the City Council refrain from becoming directly involved in the administrative activities, as previously noted in the Council Administrator Form of Government subject matter.~~

Comment [HM12]: Already stated above.

2-3 City Council Non-Participation in Judicial Matters

The Municipal Court Judge is appointed by the City Council.

~~The City Administrator, Municipal Court judge, and the City Attorney, Staff and City Council should may not interfere with judicial processes or decisions. Furthermore, the City Council has no policy direction over judicial matters.~~

2-4 Role of City Council Members

Members of the Gladstone City Council are collectively responsible for establishing policy, adopting an annual budget, providing vision and goals, and appointing hiring and supervising the City Administrator, Municipal Court judge, and the City Attorney. The following outline is a brief description of the various duties of City Council members. The description is not intended to be comprehensive, but rather it is an effort to summarize the primary responsibilities of the City Council.

Obligatory Duties

City Council duties include but are not limited to the following as set forth in the City Charter and the GMC: Summary of City Council duties and responsibilities as established by the City Council while staying within the Cities Charter as set forth by the Gladstone Municipal Code (GMC.)

2.4.1 Establish Policy

- 2.4.1.1 Adopt goals and objectives
- 2.4.1.2 Establish priorities for public services
- 2.4.1.3 Approve and/or amend the operating and capital budgets
- 2.4.1.4 Approve intergovernmental agreements and contracts
- 2.4.1.5 Adopt resolutions

2.4.2 Enact Local Laws

- 2.4.2.1 Adopt ordinances

2.4.3 Supervise Appointed Officials

- 2.4.3.1 Appoint City Administrator, Municipal Court judge, and the City Attorney.
- 2.4.3.2 Evaluate performance of City Administrator, Municipal Court judge, and the City Attorney.
- 2.4.3.3 Establish advisory boards and commissions
- 2.4.3.4 Make appointments to advisory bodies
- 2.4.3.5 Provide direction to advisory bodies

2.4.4 Decide annually which City Council members will serve on outside boards, councils, commissions or committees.

2.4.5 Call special elections when necessary

City Council's Role in the Community

Summary of implied or traditional City Council duties and responsibilities

2.4.6 Provide Public Leadership

Comment [HM13]: Where are these duties set out in the GMC or Charter? If not set out in any form, are these the agreed upon duties for the Council?

2.4.6.1 Relate wishes of constituents the Council to promote representative governance

2.4.6.2 Mediate conflicting interests while building a consensus

2.4.6.3 Communicate the City's vision and goals to constituents

2.4.6.4 Represent the City's interest at regional, county, state, and federal levels

2.4.7 Decision-Making

2.4.7.1 Study problems

2.4.7.2 Review alternatives

2.4.7.3 Determine best course of public policy

2.5 City Department Operations and Public Policies

The City has five different departments that all report to the City Administrator. Each of these departments has specific operating policies that are unique to their departmental function within the City. Below is a sample list of the policies that each department has adopted or implemented. The City has several departments that have an impact on how the City operates. It is the desire of the City Council to have an operational and public policy for each department that falls within the framework of this Guidebook. The Departments within this framework include:

2.5.1 City Administration

2.5.1.1 Personnel Handbook – Goal January 2013

2.5.2 Police Department

2.5.2.1 Public Policy on Policing for the City of Gladstone, Jan. 2010

2.5.3 Fire Department

2.5.3.1 Waiting – (In process)

2.5.4 Public Works

2.5.4.1 Waiting – (In process)

2.5.5 Library

2.5.5.1 Waiting – (In process)

2.5.6 Senior Center

2.5.6.1 Waiting – (In process)

Comment [HM14]: Not sure what this means? What does this entail? Typically mediating is more of an administrative function. Does this mean among Council members?

Comment [HM15]: I would put additional language here about personal vs. city views as well. Or have that information elsewhere.

Comment [HM16]: Not sure what these are references to -- typically it is the job of council to identify problems -- if there is a consensus of the council that it is a problem then provide direction to staff on how to proceed. Then ultimately the Council makes a policy decision.

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Comment [HM17]: All departments have an impact on the City.

Comment [HM18]: I would not recommend having a different policy for each department. Obviously there are police and fire policies that directly relate to what those departments do and there might be policies on individual issues for other departments but there should be one uniform personnel guidebook and that should be it. For example the Police Department likely uses Lexipol procedures for specific police issues, the Fire Dept SOPs should really only address those issues that directly impact the FD -- and I attempted to edit them to that effect. I think this section should instead contain basic operating policies that each department uses and has adopted but I would not go beyond that.

~~It is the City's goal to review and update these policies a minimum of every five (5) years. The City Council will ensure that departmental operations and public policies are made and enforced. The City Council will also make certain that policies are reviewed by each department on a minimum of five years and updated as appropriate.~~

2-6 Representation on City Council Committees, Commissions and Boards

~~The Gladstone City Council has established six (6) standing committees have been established through the GMC, by the City ordinance. The committees are named accordingly:~~

2.6.1 Budget Committee

~~The Budget Committee consists of the seven (7) members of the City Council and an equal number of citizens at large. Appointments are made by the City Council for three year terms, which are staggered as near practicable so that about one-third of appointed terms end each year (Chapter 294 of the Oregon Revised Statutes). Usually in early spring, Typically, the City Administrator, acting in the capacity of the City budget officer, prepares a budget and budget message and disseminates that to the Budget Committee in the spring. The Budget Committee must hold at least one public meeting where the public may ask questions about and comment on the budget before the budget is adopted by the Budget Committee. Once approved by the Budget Committee, the City Council must hold a public hearing and adopt the budget, make appropriations and declare and categorize taxes. receives a copy of the proposed budget and the budget message. When the Committee is satisfied with the proposed budget, including any additions to or deletions from the one prepared by the budget officer, it is approved. The budget is then referred to the City Council and Urban Renewal Agency for Public Hearings prior to adoption, appropriations and levying of taxes. In recent years, the Budget Committee has discharged its duties in one Tuesday evening meeting, although additional meetings may be called.~~

~~Budgets from prior years are shown on the City's website
<http://www.ci.gladstone.or.us>~~

2.6.2 Library Board

~~The Library Board consists of five (5) members who are not officers or employees of the City and are appointed by the City Council to four (4) year terms. Members are eligible for re-appointment to a second four year consecutive term, staggered so that there will always be holdover members. The Board meets monthly on fourth Tuesday evenings.~~

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Comment [HM19]: Sometimes this is referenced as the Gladstone City Council, sometimes just City Council and sometimes just Council - - which one does the City want to use - - need to be consistent

Comment [HM20]: Is this in the library board's policy? I don't see it in the Code.

Each Board member shall have one (1) vote. The Library Director shall sit with the Board and take part in its discussions or deliberations, but shall have no vote on any matter to come before the Board. The Mayor also appoints with the approval of the City Council, a liaison from the City Council that does not have a vote.

Comment [HM21]: Is this in the library board policy?

The Board makes recommendations to the City Council regarding prospective Board members based on review of a standard application form(s) and possible personal interview(s) when vacancy(s) occur. The Mayor and City Councilors make the final approval of applicants (Resolution No. 618 including the Bylaws.)

Comment [HM22]: Can you send me this resolution -- it does not appear that it is online.

Duties include but are not limited to:

Comment [HM23]: I am assuming this is from RES 618? Need to double check and make sure they match up -- these duties are not listed in the GMC.

- 2.6.2.1 Advise the Library Director on policy matters pertaining to the Gladstone Public Library.
- 2.6.2.2 Assist in the formulation of policies for the operation and development of library services and facilities to best meet the current and long-standing needs of the community.
- 2.6.2.3 Make recommendations to the City Council regarding matters as outlined above.
- 2.6.2.4 Recommend to the City Council prospective Board members based upon review of a standard application form and possible personal interview as Board vacancies occur.
- 2.6.2.5 Serve as an autonomous body to represent the needs, interests, and desires of the entire service area of the library.

2.6.3 Parks and Recreation Board

The Parks and Recreation Board, consists of nine (9) members. One (1) member shall be from the Planning Commission and one (1) member shall be from the City Council. The remaining seven (7) members shall be residents of the City. The Park Board shall meet at least once per month. Five members present at the meeting shall constitute a quorum. This Board is appointed by the Mayor with approval of the City Council (Resolution (Resolution Nos. 299, 438, 556 and 603.)

Comment [HM24]: I am assuming the park board was created via resolution (nothing in GMC) - need to check these resolutions to make sure this language is accurate.

Duties include:

- 2.6.3.1 Citizen and agency involvement in park and recreation.

2.6.3.2 An advisory capacity to the City Council in matters pertaining to park and recreation programs, developing park master plans.

2.6.3.3 An advisory board regarding development of the Gladstone Comprehensive Plan and its periodic review and update.

2.6.4 Planning Commission

~~The Planning Commission (Commission) (PC) consists of seven (7) members who are residents of the City, residents who are appointed by the City Council based on their qualifications. Under GMC 2.28.080 City Council shall give preference to those individuals who possess competence in the field of municipal planning by way of their profession, trade or prior or present governmental service. Under ORS 227.030, no more than two voting members of the Commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. The Commission is to meet once a month per Gladstone Municipal Code, which are to be attended by the City Attorney who offers legal and procedural advice on relatively complex matters.~~

~~A Gladstone City Councilor is not to be a part of a PC session that is addressing a Gladstone Municipal Code project. The PC is to make a decision that is not to be influenced by the City's Council involvement. Depending on the issue before the Commission, typically the Commission votes and makes a recommendation to the City Council. After an issue is voted on, a recommendation is presented to the City Council, by the City Administrator. Of which a final decision can be made by the City Council most of the time (exceptions to apply pursuant to Chapter 17 of the GMC.) The Minutes of the proceeding PC sessions, and any important information leading to the decision is to be a part of the final decision. If the City Council needs more information then more testimony can be asked to clarify the issue by the PC. Likewise a PC member, can introduce input, regarding a PC recommendation, if he/she believes the information presented may lead to a misunderstanding and possibly a poor decision made by the City Council.~~

~~Duties include but are not limited to:~~

2.6.4.1 Design Review

2.6.4.2 Code Review

Comment [HM25]: This Code section will likely change soon.

Comment [HM26]: This is not accurate -- it depends on the type of decision the PC makes: land use, limited land use or legislative. I don't think it is necessary to put all of that into this guidebook as it is somewhat complex.

Comment [HM27]: There is a list of applications that must come before the PC under 17.94.060 -- that is a more comprehensive list -- I recommend referencing the GMC here and also other general duties (i.e. recommendations on development code changes).

2.6.4.3 Code Development

2.6.4.4 Comprehensive Plan Review

2.6.5 Senior Centers Advisory Board

The Senior Center Board of Directors consists of seven (7) voting members; two thirds (2/3) of whom shall be fifty-five (55) years of age or older who are not officers or employees of the City; one (1) representative from each of the following groups shall sit on the Board but shall not vote: City Council, Loaves & Fishes and Senior Center Staff. The Board is appointed by the Mayor with the approval of the City Council for terms of three years and is scheduled to meet quarterly, usually on a Tuesday afternoon. Duties of the Senior Center Board of Directors include (Resolution No. 624 including the Bylaws):

Duties include:

- 2.6.5.1 Serve in an advisory capacity to the City of Gladstone, City Council, and Senior Center Staff on matters affecting program and policy.
- 2.6.5.2 Provide for educational, recreational, nutritional, social and cultural needs, and promote mutual friendliness between individuals and groups who participate.
- 2.6.5.3 Ascertain the needs of older persons, to coordinate and mobilize public and private resources at all levels, and to gain, build, develop and maintain such programs.
- 2.6.5.4 Develop volunteer opportunities for all individuals to serve one another and their community.
- 2.6.5.5 Cooperate with the City and other agencies to provide enhanced senior services for the center and its community.

2.6.6 Traffic Safety Commission

The Traffic Safety Commission consists of seven (7) members appointed to a three year term by the Mayor with the approval of the City Council. A City Councilor, that is a liaison to the Commission, has full voting rights but is not eligible for election as an officer. Applicants must be City residents. Recently the Traffic Safety Commission has met infrequently, probably two or three times per year, in large part due to use by the Police Department of a Speed Monitoring Awareness Radar Trailer that is placed on streets in response to

Comment [HM28]: As with the other sections that are based on resolutions, I would need to look at the resolutions to make sure they are consistent.

Comment [HM29]: See my comment above -- I would need to see the creating resolution to determine accuracy.

speeding complaints. The Traffic Safety Commission usually meets on the fourth Monday evening of a month.

Duties include:

- 2.6.6.1 Researching, developing, and implementing coordinated traffic safety programs which meet local needs.
- 2.6.6.2 Acting in an advisory capacity to the City Council and the City Administrator in the coordination of traffic safety activities of the official agencies and departments of the City of Gladstone.
- 2.6.6.3 Upon request, providing research and furnishing information to other official agencies of the City of Gladstone.
- 2.6.6.4 Promoting public acceptance of official programs proposed or instigated by the City.
- 2.6.6.5 Fostering public knowledge and support of traffic law enforcement and traffic engineering problems.
- 2.6.6.6 Coordinating with the public and private school systems of the City in promoting traffic safety aids in the schools and promoting the education of the public on traffic safety.
- 2.6.6.7 Assisting in the overall reduction of traffic accidents, injuries, and deaths on the City's streets.

2-7 How Committee Agendas are Formed

A draft work plan, including tentative schedule, is developed by the committee at its first meeting of the year. The work plan is based on referred items carried on from the prior year, plus committee member and Staff knowledge of emerging issues / policies. The draft work plan is forwarded to the full City Council for review and approval as a Consent Agenda item.

During the year, items by concurrence with a referral request by a majority of City Councilors at a Council meeting. Requests to refer an issue for a referral to a committee may be made by the Mayor, individual City Councilors, or the City Administrator and should be approved by the City Council before referral.

Throughout the year, a City Council majority may refer an item to a committee agenda during the regular meeting.

Comment [HM30]: Where is this process found? Typically each committee can determine its own agenda, etc and its own process for bring things to the Council. Does the Council want to establish that this is how each Committee will operate? If the Council would like to require that each committee/board/commission follow this process this needs to be fleshed out more and should also be referenced in the Code for those committees/boards/commissions that have corresponding Code provisions.

Comment [HM31]: Which committee? All of the ones listed above? Not all of them are committees so this is confusing.

Comment [HM32]: Not sure what this means? Should be clarified.

Comment [HM33]: How is this different from the preceding paragraph?

Once an item is referred by a majority vote of the City Council to a standing committee/board/commission, City Staff will communicate with the appropriate chairperson to determine if the item can be added to a future committee/board/commission agenda. If necessary, City Council may request by majority vote that additional meetings and resources be allocated to a committee/board/commission to facilitate adding a Council referred item to a committee/board/commission's agenda.

Afterwards, the Staff liaison will consult with the committee chair to determine when this referral can be added to the committee's current work plan. Due to time constraints and/or heavy work loads, the committee chair may decide the item should be added to the work plan for the next year. In this case, if a majority of the City Councilors still feel the item should go to the committee in the current year, they may request the committee chair add an extra meeting to the committee agenda.

2-8 Committee Recommendations

Committee recommendations will be presented to the full City Council by the respective Committee Chair. Usually, the committee chair will report the committee's findings during member reports at the City Council meeting, or findings may appear as an action item on the Consent Agenda. If an item does not have a unanimous recommendation from the committee, it shall not be placed on the City Council's Consent Agenda. A City Council committee chair may request that a specific item from the committee be placed on the City Council's agenda as a "Regular Business" item, even if committee support is unanimous. When a committee recommendation is forwarded to the City Council for action, the Staff (transmittal) Report will include an explanation from the committee chair of the committee's rationale for its recommendations. The rationale will be presented in the ("Staff") report.

Comment [HM34]: See my comment above -- is this set forth anywhere? There should be a general policy on how the agenda (any item) is determined and those same rules should apply here.

2-9 Non-Committee Member Attendance at City Council Attendance at Non-City Council, City Committee Meetings

A City Council member may attend other Non-City Council City meetings but no more than three(3) City Councilors should be present at one time. may go, as any person to a public committee meeting. It should be understood however, that no more than three (3) City Council members shall be part of any committee other than a public City Council Meeting, Work Session or Special Session.

An advisory committee is generally created by a City Council resolution, and its members are selected by the Mayor and City Council. City Councilors may be appointed

as regular members of such committees, as or ex officio members, or be appointed liaison. maybe given liaison roles.

2-10 Representation on Inter-local and Community Boards by City Council Members

The same as previously noted in 2-8.

The City's Boards include:

2.10.1 Park and Recreation Board

2.10.1.1 Nine members, one being a City Councilor, one being from the Planning Commission and seven lay members that are City residents (Resolution Nos. 299, 438, 556 and 603.)

2.10.2 Gladstone Library Board

2.10.2.1 Five members. The Library Director shall sit with and be part of discussions but will have no vote. One City Councilor is appointed liaison, with no vote (Resolution No. 618 including the Bylaws.)

2.10.3 Gladstone Seniors Board of Directors

2.10.3.1 Seven members. One City Councilor is appointed to attend with no vote, along with the Loaves and Fishes, and Senior Center Staff (Ordinance 928, Resolution No. 624 including the Bylaws.)

Comment [HM35]: Not sure why this section is here -- should be incorporated into each committee/board's section above.

2-11 Role of Mayor

The mayor shall be chairperson to the City Council and preside over its deliberations. The Mayor shall be an equal voting member of the City Council. The Mayor shall have the authority to preserve order, enforce the rules and determine the order of the business under rules of the City Council.

The Mayor shall oversee the general affairs of the City. The Mayor shall appoint, with approval of the City Council, the committees provided by the rules of the Council. He/she sign all records of proceedings approved by the City Council. He/she shall have no veto power.

Comment [HM36]: I would advise adopting separate council rules that address these issues -- Gladstone does not have any at this juncture.

2-12 President of the City Council President

A City Councilor ~~member~~ shall be elected by ballot, by the membership to take the Mayor's place in his/her absence. The election will take place at its first meeting of each odd-numbered year, or when the presiding City Council President leaves office. Whenever the Mayor is unable to perform the functions of his/her office, the President shall act as mayor.

2-13 Absence of Mayor and City Council Members/Forfeiture of Office

~~In event of the absence of the Mayor and Council President, the City Recorder shall call the Council to order and call the roll of the members. If a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council. Whenever both the Mayor and President of the City Council are absent, the Council shall, by majority vote, elect a chairperson to preside over the meeting(s) of the Council.~~

2-14 Personnel Appointments

The officers of the City, reporting directly to the City Council, shall be a Municipal Judge, City Administrator, and City Attorney. Each appointed officer may be removed by the Mayor with approval of the City Council. Said officers shall be subject to performance evaluations no less than every four years.

2-15 Incompatibility of Offices

There are certain restrictions on a City Councilor holding any public office or employment within City Government. The Mayor and City Councilors shall not be a member of the Planning Commission or any other position that may lead to a conflict of interest.

2-16 Emergency Response

2.16.1 Declaration of emergency. (GMC 8.16.050)

When, in the judgment of the City Council, a state of emergency exists, it shall declare in writing and publicize the existence of the emergency. The state of emergency declared pursuant to this section shall specify the area(s) which warrant the exercise of emergency control as listed in section 8.16.070(1) through (9). If Circumstances prohibit the timely action of the City Council, the Mayor

may declare a state of emergency provided that approval by a majority of the City Council shall be sought and obtained at the first available opportunity. The Mayor shall terminate the state of emergency when the emergency no longer exists or the threat of an emergency has passed.

2.16.2 Succession of authority. (GMC 8.16.060)

- (1) Upon a declaration of emergency, the Mayor is empowered to assume centralized control of and have authority over all departments and offices of the City in order to implement the provisions of this chapter.
- (2) In the event the Mayor is unavailable or unable to perform his/her duties under this chapter, the duties shall be performed by:
 - (a) President of the City Council.
 - (b) City Administrator.
 - (c) Police Chief.
 - (d) Fire Chief
- (3) All references to the Mayor in this chapter shall be deemed to refer to the successor referred to in this section.

2.16.3 Regulation and control. (GMC 8.16.070)

Whenever a state of emergency has been declared to exist within the City, the City Council is empowered to order and enforce the measures listed herein below. However, if circumstances prohibit the timely action of the City Council, the Mayor may order the following measures, provided that approval from a majority of the City Council is sought and obtained at the first available opportunity, or the Mayor's order will become null and void:

- (1) Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places.
- (2) Prohibit or limit the number of persons who may gather or congregate upon any public street, public place or any outdoor place within the area designated as an emergency area.
- (3) Barricade streets or roads, as well as access points onto streets and roads, and prohibit vehicular or pedestrian traffic, or restrict as an emergency

area for such distance or degree of regulation as may be deemed necessary under the circumstances.

- (4) Evacuate persons from the area designated as an emergency area.
- (5) Close taverns or bars and prohibit the sale of alcoholic beverages throughout the City or a portion thereof.
- (6) Commit to mutual-aid agreements.
- (7) Suspend standard procurement procedures to obtain necessary services and/or equipment.
- (8) Redirect funds for emergency use.
- (9) Order such other measures as are found to be immediately necessary for the protection of life and/or property.

2.16.4 Responsibility for emergency program management. (GMC8.16.100)

For the purposes of this chapter, the City Council has appointed the Police Chief as the emergency program manager responsible for managing the City's emergency program. Specific duties shall include, but not be limited to, the following:

- (1) To develop, update and revise the City's basic emergency operations plan.
- (2) To coordinate the activities of City departments and other agencies with emergency services capabilities in the development of individual operational annexes to the basic plan.
- (3) To provide for the coordination of emergency plans, programs and operations with the county, neighboring jurisdictions and other public and private agencies with emergency services responsibilities including use of the National Information management System and National Incident Command System.
- (4) To develop working agreements with the county, neighboring jurisdictions and service districts to assure coordinated response to an emergency in the City;

- (5) To provide for the procurement of personnel, equipment, materials and supplies from higher authority, and for the accounting thereof for use in the event of a declared emergency
- (6) To provide for coordinated operations under simulated emergency conditions
- (7) To recommend to the City Council any ordinances, policies or procedures which would assist the Council and other City officials in the performance of their duties in preparing for, responding to, and recovering from an emergency.

2-17 City Council Meetings

~~The City Council shall hold a regular meeting at least once each month in the City at a time and at a place which it designates. Typically regular meetings are held on the second Tuesday of each month and the fourth Tuesday is reserved for work sessions of special meetings. Meetings of the council may also be held at any time by consent of a majority of the members of the Council. The Mayor or three members of the Council may, by giving notice thereof to all available members of the Council, call an emergency meeting of the Council. The Council shall adopt rules for the government of its members and proceedings. Each regular meeting of the Gladstone City Council shall be conducted in accordance with a printed agenda setting forth the business to be transacted. The monthly meetings are held on the second Tuesday of each month unless otherwise advertized as required by Oregon Public Meeting laws.~~

Formatted: Font: Italic

Comment [HM37]: Council Rules described above.

2-18 Meeting Schedule

~~The Gladstone City Council has established that the second Tuesday will be for City Council Regular meetings. The fourth Tuesday is to be set aside for Work Sessions or Special Sessions. The current meeting schedule for the City Council as well as other City committees and City Board meetings is posted at City Hall and on the City's website.~~

2-19 Public Notice of Meetings and Hearings

~~The agenda materials will generally be available and accompanying reports and documents are posted typically no later than by 3:00 pm the Thursday before a regular Tuesday meeting, which is to be held on the following Tuesday.~~

Copies of the agenda materials are available for pick up at City Hall during regular business hours. In addition, a copy of the entire City Council packet is available for viewing at City Hall and on the website. <http://www.ci.gladstone.or.us> .

Gladstone citizens ~~may~~ ~~can receive an electronic meeting notice~~ if they register their email address with the Assistant City Administrator to receive electronic meeting notices.

2-20 How can a City Council Member advance a policy issue?

It takes a majority of the City Council to bring a policy item before the full Council or a committee. The following are the routes a City Councilor may take to advance a policy issue:

2.20.1 Advisory Committee Work Plans

A committee will draft work plans that committee chairs will come to the City Council with an agenda request. The Council will then review the request and make a motion to accept the proposed and/or request further information that may lead to the policy's approval.

Comment [HM38]: Does this mean standing committees or true advisory committees (i.e. temporary ones)? Need to clarify that here.

2.20.1 Regular Meetings

At any time during a regular City Council meeting, a member may make a referral for an item to be addressed by a committee or by the full Council in the form of a Work and/or Study Session.

The City Administrator may also ask the City Council to allow him/her to provide further information that can be studied by the Council or other City committees.

Comment [HM39]: This process should be explained and set forth in how the Council sets its agenda. Also the Council should consider whether staff should be able to bring an item forward for consideration and also whether putting an item on the agenda requires a certain level of support (i.e. supported by at least 2 individuals).

2-21 Legislative Process

All measures proposed for City Council consideration must have the endorsement and sponsorship of at least one member or be recommended by a Council committee or be advanced by Staff as a Consent Agenda item.

All proposed measures, except Consent Agenda items, must be referred to a Council committee of proper jurisdiction, unless the majority of the City Councilors present approve a suspension of the rules and one of the following alternative dispositions of the proposal:

- 2.21.1 ~~Referral to the Committee of the whole for later consideration, or~~
- 2.21.2 ~~Immediate consideration, or~~
- 2.21.3 ~~Referral to an advisory committee, or~~
- 2.21.4 ~~Referral to Staff for investigation and report.~~

Comment [HM40]: See my comment above. There should be one section that details how the agenda is determined and that should suffice here - whether the process occurs at a meeting or via email it should be the same process. See my suggested agenda setting language below.

2-22 Scheduling the Agenda

~~2.22.1 The Mayor of a Council representative may work with the City Administrator to provide input for scheduling agenda items. The agenda headings will generally be as follows: The meeting's agenda is provided by the City Administrator, noon Thursday, the week prior to a City Council Regular Meeting, Work Session or Special Session. The Mayor, City Council and City Administrator help develop the agenda based on issues at hand that seem to be most pressing. The City's Attorney may also advise about issues that should be discussed.~~

2-23 Agenda – Order of Business

The City Council has established the following order of business for its typical regular meetings:

- ~~TYPE OF MEETING, LOCATION, START TIME~~ Type of Meeting
- ~~CALL TO ORDER~~ Location
- Starting Time
- ~~ROLL CALL~~ Roll Call
- FLAG SALUTE & PLEDGE OF ALLEGIANCE
- BUSINESS FROM THE AUDIENCE (on topics that are not on the Agenda)
- CONSENT AGENDA (any item may be removed from the Consent Agenda for discussion at the request of a Councilor, otherwise a vote is taken on all items at once)
- CORRESPONDENCE
- REGULAR AGENDA
- BUSINESS FROM THE COUNCIL (opportunity to Council to provide updates on recent City-related business, committee activity or items for future action or concern)
- Flag Salute

BUSINESS FROM THE AUDIENCE

CONSENT AGENDA

1. Payment of the month's Claims

CORRESPONDENCE

REGULAR AGENDA

- 2.
3. (Others as required)

BUSINESS FROM THE COUNCIL

RECESS TO GLADSTONE URBAN RENEWAL AGENCY MEETING (If required)

URBAN RENEWAL AGENDA

ROLL CALL

1. Approval of the last Urban Renewal meeting Minutes
2. Public Hearing (as example)

ADJOURN URBAN RENEWAL MEETING

RECONVENE

EXECUTIVE SESSION (If required)

ADJOURN

2.22.2 Scheduling

The Mayor or a Councilor will meet with the City Administrator to determine the scheduling of agenda items. Business from the audience will be scheduled for all Council public meetings and sign-up forms will be available for each meeting.

Items may be placed on the agenda by any of the following methods: (i) vote of the Council; (ii) any Councilor with the support of one other Councilor by advising the Mayor or City Administrator; (iii) the Mayor; or (iv) the City Administrator or City Attorney.

Comment [HM41]: I believe this is what was intended 2.21. Does the City also want to add by recommendation of standing committee chair?

2-24 Procedure for Communication by the Audience - During - Business From The Audience

2.24.1 Citizen and community group sign-up forms will be available at each meeting. At the time on the agenda designated as business from the audience, and during any public hearing, any member of the public desiring to address the Mayor and Council on an item of City business shall first request to be recognized by the Presiding Officer if they have not already done so through the sign-up forms and then state their name and address for the record. If necessary the Mayor may establish time limits for public comment to ensure no unreasonable delay during the meeting. If time limits are imposed, speakers shall not cede their time to another speaker. The Council may request that groups with like comments choose a spokesperson to present their joint remarks.

Comment [HM42]: I deleted the 3 minute language below because it was my understanding from past meetings the Council did not want to limit people -- but there may obviously be times when those limits will be imposed. Either way I tried to use language here that reflects what actually happens at the meetings.

2.24.2 During public hearings, all public comment should be directed to the question under discussion and addressed to the Council as a whole.

2.24.3 In general, Council will not respond to any comment made during the time on the agenda for business from the audience except to ask clarifying questions. Any City Council comments should be held until the time on the agenda reserved for Council comment.

~~The City Council appreciates hearing from citizens about items relating to City business and normally sets aside up to thirty minutes at the beginning of Council Regular Meetings for Business From The Audience (BFTA.) This forum is a limited public forum and all matters discussed shall relate to City business.~~

Comment [HM43]: I wouldn't recommend limiting it just leave the constraint language above. Also in practice, the Council typically allows everyone to speak (see below re: 30 minutes and then comment at the end of the meeting)

~~The manner and extent to which members of the public participate in the BFTA portion of the agenda is under the control of the Mayor. Therefore, to the extent necessary to prevent unreasonable interference with the meeting, the Mayor is empowered to curtail or prohibit testimony that is overly repetitive or lengthy, beyond the reasonable scope of City business, or of a nature that would endanger the safety or wellbeing of the persons attending the meeting or City employees. The Mayor is also empowered to establish time constraints on testimony, if necessary, to prevent unreasonable delay of the City Council meeting.~~

~~Sign-in for BFTA begins when the doors to the Council Chambers are open (about 30 minutes in advance of the start of the meeting) and continues until the Mayor gavels the meeting to order, with the exact time at Staff's discretion. Everyone who has signed in by the time the time registration is closed will be provided an opportunity to comment at that evening's meeting, either during the initial 30 minutes scheduled on the agenda for BFTA, at the end of the meeting if everyone is not accommodated within the initial 30 minutes, or in another order if proposed by the Mayor at any time during a meeting and agreed to by a majority of City Councilors in attendance at that meeting.~~

~~If time allows during the initial 30 minutes set aside on the agenda for BFTA, the Mayor may ask if anyone else in the audience wishes to speak. In this circumstance, BFTA will not exceed 30 minutes total of testimony time, and additional comment will not be carried forward to the end of the meeting.~~

It is not the intent by the Mayor or City Council to limit the testimony time of any speaker. An individual's comment, during BFTA, is generally limited to five minutes or less as a guideline only. The sign in procedure allows the Mayor to establish an understanding of how much business the audience has to bring forward for the City Council's consideration at that meeting. If the Mayor believes that the time has to be limited, to give every person giving testimony a chance, he/she will do so.

Comments should be directed to the City Council as a whole. Speakers may not cede all or a part of their time to another speaker.

Out of respect for the time of our citizens, City Council, and Staff the Mayor, on behalf of the entire Council, will thank the individuals who spoke. In addition, the Mayor should either ask the Council and City Administrator what steps should be followed and/or make a recommendation to address the issue(s) presented.

2-25 The Consent Agenda

The City Administrator, Mayor and/or President of the City Council will propose which items are on the Consent Agenda. The Consent Agenda consists of items of a routine nature that do not normally need discussion. An ordinance typically requires two (2) separate readings at a regularly scheduled City Council meeting. Final passage typically occurs on a second reading, although a second reading may be waived by an affirmative vote of at least two thirds of the Council members present.

During the regular meeting, any City Councilor and/or member of the audience may pull a Consent Agenda item for discussion prior to approval of the Consent Agenda.

Comment [HM44]: See above note under consent agenda.

2-26 City Council Members Reports

City Councilor reports are intended to allow Council members an opportunity to share brief updates on committee and Council assignments and to seek guidance and direction. Council members should do their best to be concise and restrict their remarks to these topics. Generally, City Councilor Reports should be no more than five minutes each.

For reports about Council Committee actions, the Committee's chair should give a brief recap of the committee's discussion and recommendations. Items needing City Council action or discussion and will be scheduled for a subsequent Council meeting, so that all City Councilors and the public have background information on the topic along with recommendations, if any.

Comment [HM45]: See above under the business from the council section.

2-27 Public Hearings

Sign in for Public Hearings is similar to Business From The Audience. Please refer to that section (2-24.)

Individual comment during Public Hearings is generally limited to five minutes or less. Comments should be directed to the City Council as a whole. Speakers may not cede all or a part of their time to another speaker. The Mayor will determine the order and protocols for public testimony.

The Mayor shall announce at the start of the Public Hearing a list of any public hearings scheduled within the upcoming 45 days or held in the previous 45 days. However, by concurrence of a majority of City Councilors, testimony for a public hearing may be continued or remain open until a specified date on time.

2-28 City Council Action

Any action of the City Council shall be by ordinance, resolution, proclamation, or motion and shall be conducted only in open public meetings unless otherwise provided by law. Any such action (except for the passage of any ordinance or the granting or revocation of any license or franchise) shall be deemed approved by an affirmative vote of a majority of those City Councilors who are present and vote. The passage of any ordinance that grants or revokes a license or franchise, and any resolution for payment of money requires the affirmative vote of at least a majority of the whole membership of the Council. Public emergency ordinances that take effect immediately, must be passed by a majority of the whole membership, plus one.

A vote of any matter shall be taken by roll call. Any City Council member may abstain from voting on any matter.

An ordinance or budget resolution shall undergo two (2) separate readings, and final passage, and final passage may not be accomplished before the second reading. The readings shall occur at regular meetings. This guideline may be suspended by an unanimous vote of all the City Councilors present, in which case final passage may be accomplished at the same meeting the ordinance or budget resolution was introduced, unless precluded by law. As a general practice, the City Administrator will not recommend that the City Council take action as a first and final reading.

2-29 Open Public Meetings Law

2.29.1 The Oregon policy of open decision-making is established by ORS-192.620:

Comment [HM46]: See my comments about the time limits above and most of this is incorporated above - - not sure about the list of public hearings in the next 45 days - - sometimes there is no way to know what these are and I do not think that is the Council's current practice. For certain types of public hearings (i.e. land use application) there are already notice requirements.

Comment [HM47]: Technically all action by the council is by motion (i.e. move to approve ordinance, resolution, etc.). I have changed this section to show how the voting process works for the council. See below under parliamentary procedure.

Comment [HM48]: I am not sure where this language is and it is contrary to the Charter Section 19 which states that except as the charter otherwise provides the concurrence of a majority of the council members present at a council meeting shall be necessary to decide any question before the council. And there is nothing contrary in the charter.

Comment [HM49]: Does this mean ordinances that take effect immediately? Also, Section 19 of the Charter only requires a majority vote of the councilors present for something to take effect (except an ordinance may be effective in one meeting with unanimous approval if certain notice requirements are met - - see comment 52 below).

Comment [HM50]: Council only does roll call votes for ordinances at this time - - does the City want to change its policies? Also most cities have an affirmative obligation in their council rules for a councilor to vote - - that is what they are elected to do - - and abstentions are allowed only when there is an actual conflict of interest as that term is defined under state law.

Comment [HM51]: Technically this does not line up with the language in the City's Charter - - there are certain notice requirements that must be met before an ordinance can pass in one reading at one meeting.

Formatted: Indent: First line: 0"

“The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies are arrived at openly.”

The Public Meetings Law applies to not only the state, but also the cities, counties and special districts despite any conflicts with their charters, ordinances or other rules. Cities, counties and other public bodies may impose greater requirements than those of the law by their charters, ordinances, administrative rules or bylaws.

The Public Meetings Law applies to meetings of the “governing body of a public body.” ORS 192.630(1). A “public body” is the state, any regional council, county, city or district, or any municipal or public corporation or any board, department, commission, council, bureau, committee, subcommittee or advisory group or any other agency thereof. ORS 192.610(4). If two or more members of any public body have “the authority to make decisions for or recommendations to a public body on policy or administration,” they are a “governing body” for purposes of the meetings law. ORS 192.610(3).

Thus, the City Council (council), and citizen advisory commissions and committees are “governing bodies.” A subcommittee of a commission or committee can also be a “governing body” if it is authorized to make decisions for or to advise the council.

Formatted: Indent: First line: 0.5"

2.29.2 Public Body Decisions

A committee or commission that has authority to make decisions for the City on “policy or administration” is a governing body. ORS 192.610(3). A subcommittee that has authority only to gather information for the full council, commission or committee is not a governing body. However, if the subcommittee has the authority to take action on a city issue of policy or administration, then it is a governing body under the meetings law.

Formatted: Indent: Left: 0.38", First line: 0", Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 2 + Alignment: Left + Aligned at: 1.5" + Indent at: 2"

A. Recommendations to Council

An advisory committee, subcommittee, task force or other official group that has authority to make recommendations to the council on policy or administration also is a governing body. ORS 192.610(3).

If an advisory body is created by the Council to advise the Council, the fact that its members are all private citizens is irrelevant. The meetings law applies to private citizens, employees and others without decision-making authority when they serve on a group that is authorized to advise the council.

I. Meetings Subject to the Law

The Public Meetings Law defines a meeting as the convening of any of the “governing bodies” described above “for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.” ORS 192.610(5) (emphasis added).

A. Quorum Requirements

The meetings law does not define “Quorum.” Quorum is defined as a majority of the council or committee (or other public body).

A gathering of less than a quorum is not a meeting under the meetings law. The law applies to committees, subcommittees and other advisory groups that are charged by the council with making recommendations. The recommendations must be the result of formal votes taken at meetings at which a quorum was present.

Staff meetings are not subject to the meetings law because they are not “governing bodies” and quorums are not required. ORS 192.610(3). Similarly, the law does not apply to individuals who are authorized to make recommendations. However, if staff meets with a quorum of the council or a city commission, committee or subcommittee to discuss matters of “policy or administration,” or to clarify a decision or direction for staff, the meeting is within the scope of the law. ORS 192.610(5).

B. Meetings and Social Gatherings

The Public Meetings Law applies to all council/committee meetings for which a quorum is required to make a decision or deliberate toward a decision on any matter. Even meetings for the sole purpose of gathering information upon which to base a future decision or recommendation are covered. Hence, information gathering and investigative activities of a city body are subject to the law.

If a quorum of the governing body gathers to discuss matters outside its jurisdiction, the “meeting” is not legal under the meetings law. Jurisdiction is determined by examining the authority granted to a particular governing body and any ordinances, resolutions or directives governing that authority.

The law does not cover purely social meetings of council or committee members. In *Harris v. Nordquist*, 96 Or 19 (1989), the court concluded that social gatherings at which school board members sometimes discussed “what’s going on at the school” did not violate the meetings law. The *purpose* of the meeting determines if the law applies. However, a purpose to deliberate on any matter of policy may arise *during* a social gathering and lead to a violation. When a quorum is present, members should avoid any discussions of official business during social gatherings. Some citizens may see social gatherings as a subterfuge for avoiding the law.

C. Electronic Communication

The Public Meetings Law expressly applies to telephonic conference calls and "other electronic communication" meetings of governing bodies. ORS 192.670(1). Notice and an opportunity for public access must be provided when meetings are conducted by electronic means. For non-executive session meetings, the public must be provided at least one place to listen to the meeting by speakers or other devices. ORS 192.670(2). Special accommodations may be necessary to provide accessibility for persons with disabilities. The media must be provided such access for electronic executive sessions, unless the executive session is held under a statutory provision permitting its exclusion.

Communications between and among council members on electronically linked personal computers may be subject to the meetings law.

Oregon's Public Meeting Law (ORS 192.610 to 192.710) gives members of the public the right to attend all meetings of governing bodies of public agencies, with a few specific exceptions.

Scope of the law—A governing body is defined by the Public Meeting Law as a deliberative body of the City that consists of two or more members who have the authority to make decisions or recommendations for the City. This includes all City Councils, as well as planning commission, budget committees, library boards, citizen advisory committees, council committees, and others, even if their functions are purely advisory. It does not include ad hoc committees of department heads or other informal groups.

The Public Meeting Law applies when one of these governing bodies convenes on the matter to make a decision or to deliberate toward a decision. It includes "conference call" telephone meetings. If such meetings are held, arrangements must be made for the public to hear what is said, such as providing loud speakers attached to the telephone system. Judicial proceedings and state agency contested cases, as defined by state law, are not subject to the Public Meeting Law. However, a quasi-judicial proceeding conducted by a City Council such as a hearing and deliberation on a zone change, is not exempt from the open meeting requirements since it is not considered a judicial proceeding, and land use decisions are required to be public.

Requirements—In addition to the basic requirement that governing body meetings be open to the public, meetings may not be held in a place where discrimination on the basis of race, color, sex, age or national origin is practiced. In addition, meetings are to be held at a place accessible to the disabled, and a good faith effort to have an interpreter available for the hearing impaired when requested to do so should be made. In general, meetings may not be held outside the City, although there are some exceptions to that rule. Except in emergencies, there must be reasonable notice to the public for any meeting, and the notice must include a list of principal subjects to be discussed and must identify any matters to be taken up in executive session. However, additional subjects not anticipated or listed may be considered at the meeting. Written minutes of all

~~meetings are required, except the executive sessions may be only tape recorded. Smoking is prohibited as in any public setting.~~

~~Executive Sessions — Closed door executive sessions are authorized in limited and specifically identified circumstances. No final actions may be taken at these meetings. More specifics of executive sessions guidelines are noted at 2-31.~~

2-30 Work Sessions

A Work Session is an informal opportunity for City Councilors to learn about and discuss policy issues. Work Sessions will generally be scheduled to take place on the fourth Tuesday of a given month. However, from time-to-time Work Sessions may be scheduled at a special time during a month's Regular meeting, if there appears to be an adequate amount of time to cover the issue.

2-31 Special Meetings

A special meeting may be called at any time by the Mayor or by a majority of the City Council. Notice will be provided per Oregon's Public Meeting Law. The City Administrator will also contact the City Council when a special meeting has been called. (ORS 192.610 to 192.710.)

~~If more than three (3) City Councilors attend and participate in an official capacity at any meeting, it shall be considered a Special Meeting and notice shall be given.~~

~~In addition, the City Administrator shall follow up with City Councilors by telephone, email or such other convenient communication method reasonable to apprise the members of a Special Meeting. The City Administrator may also, at his/her discretion, provide notice to interested parties.~~

2-32 Executive Sessions

The City Council may meet in executive session only in specified situations. ORS 192.660. An "executive session" is defined as "any meeting or part of a meeting of governing body that is closed to certain persons for deliberation on certain matters." ORS 192.610(2) (emphasis added).

The Council may hold an open session even when the law permits it to hold an executive session. The Council is authorized to hold closed sessions regarding the following subjects:

2.32.1 Employment of public officers, employees and agents;

2.32.2 Discipline of public officers and employees if that person does not request an open meeting; ;

2.32.3 Real property transactions;

2.32.4 Labor negotiator consultations and labor negotiations;

2.32.5 Discussion of records that are exempt from public inspection;

2.32.6 Preliminary negotiations involving matters of trade and commerce in which the governing body is competing with governing bodies of other state or nations;

2.32.7 Consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed;

2.32.8 Review and evaluate of an chief executive officer, other officers, employees and staff unless an open hearing is requested by the person being reviewed; or

2.32.9 Negotiations under ORS 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments

A. Final Decision Prohibition

ORS 192.660(6) states: "No executive session may be held for the purpose of taking any final action or making any final decision." The council may reach a consensus in executive session. The purpose of the "final decision" requirement is to allow the public to know the results of the discussions. Taking a formal vote in open session satisfies that requirement, even if the public vote merely confirms a decision made informally in closed session.

B. Method of Convening

An executive session may be called during a regular, special or emergency meeting for which notice has already been given in accordance with ORS 192.640. The person presiding at the meeting must announce the statutory authority for the executive session before going into closed session. ORS 192.660(1). When a meeting that will be solely an executive session is called, the statutory authority for the executive session must be set forth in addition to notice requirements for any other meeting.

C. Media Representation

The Public Meeting Law expressly provides that representatives of the news media shall be allowed to attend all executive sessions except for sessions involving deliberations with persons designated to carry on labor negotiations, *Barker v. City of Portland*, 67 Or App 23 (1984).

Formatted: Normal, Justified, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 1" + Indent at: 1"

Formatted: Left, No bullets or numbering

Formatted: Normal, Justified, Outline numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 1" + Indent at: 1"

As stated above, the Council may consult with the city attorney about pending litigation or litigation likely to be filed. The Council may exclude any member of the media from such a meeting if the member is a party to the litigation to be discussed or is an employee, agent or contractor of a new media organization that is a party to the litigation. ORS 192.660(5).

The Council may require the non-disclosure of specified information that is the subject of the executive session. ORS 192.660(4). The presiding officer or designee should make the specification. Absent a specification, the entire proceedings may be reported and the purpose of the executive session may be frustrated. The media may discuss the statutory grounds justifying the executive session.

The Council may request a news medium not to assign a particular representative to cover council meetings if the representative has irresponsibly violated a clearly valid nondisclosure requirement. That representative may be barred from future executive sessions because the meeting law purposes will be met by allowing attendance of another representative, and representatives from other news media.

D. Other Persons Attendance

The Council may permit others to attend executive sessions. Generally, executive sessions are closed to all except council members, city staff, city attorney, persons reporting on the subject of the executive session or otherwise involved, and news media representatives. However, the law does not prohibit the council from permitting other persons to attend.

~~Executive Sessions may be held to discuss certain matters specified by law (ORS 192.660) including:~~

- ~~2.32.1 Initial employment of public officials and employees;~~
- ~~2.32.2 Dismissal or disciplining of an officer or employee or performance evaluation of an officer or employee, unless the officer or employee requests an open meeting;~~
- ~~2.32.3 Deliberations with persons designated to negotiate real property transactions;~~
- ~~2.32.4 Deliberations with persons designated to conduct labor negotiations;~~
- ~~2.32.5 Discussion of records that are exempt from public inspection;~~
- ~~2.32.6 Negotiations involving matters of trade and commerce when the unit of government is in competition with other areas;~~

Formatted: Outline numbered + Level: 3 +
Numbering Style: 1, 2, 3, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.5" + Tab after:
1" + Indent at: 1"

~~2.32.7 Legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;~~

~~2.32.8 Review and evaluation of an executive officer, public officer, employee or Staff member, unless an open hearing is requested by the person being reviewed; or~~

~~2.32.9 Negotiations regarding public investments.~~

2-33 Televised and/or Videoed Meetings

Gladstone City Council meetings, when held in the City Council Chambers are not currently televised.

The meetings are videotaped and are posted on the City's website.
<http://www.ci.gladstone.or.us>

2-34 City Council Attendance Policy

~~While there is no attendance policy for the City Council, the Councilors should make every effort to attend meetings. In the event a Councilor will be absent they are requested to~~ at this time. However, it is generally recognized that City Councilors should notify the City Administrator or Mayor that they will not be present for a meeting.

2-35 City Council Vacancy Member Resignations

~~There is no policy in place regarding a resignation of a City Council member.~~

~~However, if the Mayor recognizes an issue he/she will determine what consideration should take place.~~

~~As a courtesy, a member who wishes to resign should submit a letter addressed to the Mayor and City Council and to the City Recorder Staff that clearly states his/her intention to resign and the effective date.~~

Comment [HM52]: See chapter 9

2-36 Meeting Minutes

ORS 192.650 requires that a sound, video or digital recording or the taking of written minutes be taken at all public meetings (including City Council meetings), except for executive sessions. Meeting minutes shall include at least the following:

- i. Members of the Council present;
- ii. Motions, proposals, ordinances, resolutions, orders and measures proposed and their disposition;
- iii. Results of all votes and the vote of each member by name;
- iv. The substance of any discussion on any matter; and
- v. Subject to the Public Records Law (ORS 192.410 to 192.505), a reference to any document discussed at the meeting. This reference does not change the status of the document under the Public Records Law.

Minutes need not be a verbatim transcript, and the meeting does not have to be recorded unless otherwise required by law. The minutes must be a true reflection of the matters discussed at the meeting and the views of the participants. ORS 192.650(1).

The City must prepare minutes and have them available within a “reasonable time after the meeting.” ORS 192.650(1). After minutes are prepared, they are public records subject to disclosure under the Public Records Law. They may not be withheld from the public merely because they have not yet been approved. If minutes have not been approved, they may be so identified.

Executive session minutes may be kept in the form of a tape recording rather than written minutes. ORS 192.650(2). No transcription of executive session minutes must be made unless otherwise required by law. If disclosure of material in the minutes would be inconsistent with the purpose of the executive session that was held under ORS 192.660, the material may be withheld from disclosure. ORS 192.650(2).

The media has no right to the minutes or tapes of executive sessions greater than that of the general public.

~~Robert’s rules of Order define minutes as the record of the proceedings which state what action was taken. The essentials of the record include all main motions (except those that were withdrawn) and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.~~

2-37 Parliamentary Procedure

~~The City Council uses Robert’s Rules of Order to help run its meetings. Robert’s Rules work within the Council’s process, and not the other way around.~~

2-38 Parliamentarian

Comment [HM53]: See my comments above about the Council Rules - - Robert's Rules of Order are typically a bit more cumbersome than a Council might want so most Councils adopt their own Council Rules which sets forth the parliamentary procedure to be used with Robert's Rules as a fallback if the Council Rules do not cover an issue.

The City Attorney shall assist the City Council on questions of parliamentary procedure and the application of the parliamentary rules contained in Robert's Rules of Order. Before deciding any questions of parliamentary procedure, the Mayor may request advice from the City Attorney. In cases where serious errors in procedure are being used or being contemplated, the City Attorney may give advice even when it has not been requested. Please refer to Appendix B for more detailed information about Parliamentary Procedures, including a summary of Robert's Rules, scripts and quick reference guide to motions.

Comment [HM54]: See my question in comment 54.

CHAPTER 3 - ADVISORY BOARDS AND COMMITTEES

For more information about advisory bodies, see the City's website at <http://www.ci.gladstone.or.us>

Boards, commissions and citizen committees provide a great deal of assistance to the Gladstone City Council when formulating public policy and transforming policy decisions into action. As noted in previous sections the City has the following standing boards and commissions which are appointed by the City Council:

- 3.0.1 Budget Committee
- 3.0.2 Library Board
- 3.0.3 Park and Recreation Board
- 3.0.4 Planning Commission
- 3.0.5 Senior Center Advisory Board

3.0.6 Traffic Safety Commission

In addition, special purpose committees and task forces are appointed from time-to-time to address issues of interest or to conduct background work on technical or politically sensitive issues. Special or ad hoc committees will be dissolved upon completion of the intended task.

While membership on most committees is by City Council appointment, the following is an important volunteer program that is promoted on the City's website:

3.0.7 Emergency Management Volunteer Program
<http://www.ci.gladstone.or.us> (Emergency Preparedness – Tab)

3-1 Establishment of Advisory Committees/Commissions/Boards Appointed by the City Council

There are many reasons for setting up citizen advisory committees and many ways to use them. A committee might be established to conduct an in-depth study of a special issue and to serve as a sounding board for City action proposals. Some committees are organized to improve communications with specific segments of the community.

The Gladstone Mayor and City Council appointed Committee/Commissions/Boards are established by action of the entire Council, usually by resolution.

3-2 Committee/Commission Resignations

In the interest of timely noticing of vacancies, and to minimize the impact of vacancies, on boards and commissions, the City Council delegates to the chair of the specific committee or commission the authority to accept resignations, and to notify the City Staff liaisons of the vacancies. The Assistant City Administrator or City Administrator, are generally the persons that will assure that vacancies are posted in the Gladstone City Newsletter.

At the end of any given year positions expire on many Boards, Committees, and Commissions, which should be filled by Council appointment at its December meeting. The expiring positions should be posted in the Gladstone City Newsletter along with local media outlets. The application, prescribed by the City Council, will be completed and submitted by the due date. A resume' maybe included but is not mandatory. Each member of the Council will exercise one vote for each open position. The applicant(s) who receives a majority of the votes will be appointed. If there is a tie or an applicant does not receive a majority of votes then the Council members may discuss the reasoning

of their selection with the possibility of a member changing his/her vote so a majority vote is reached. However, if after a discussion and revote a majority is still lacking or there is still a tie only the two applicants receiving the most votes will move on if three or more applicants received votes. If a stalemate still persists then the Council may ask for additional applicants to select from.

A person who is resigning from a Board, Committee, or Commission should submit a letter of resignation, addressed to the Mayor and City Council, to City Staff. Filling the vacant position, City Council should follow the steps laid out above.

3-3 Staff Relationship to Advisory Bodies

The City Administrator and Assistant Administrator, or designee, shall act as liaison(s) to advisory committees, commissions or boards.

The members of the commissions, boards are responsible for the functions of the advisory body. The chairperson is responsible for compliance with the municipal code and/or committee Bylaws except in case of the Planning Commission which is assisted by the Assistant City Administrator and City Attorney.

3-4 City Council's Role and Relationship with City Advisory Bodies

A City Council acts as an advisory member on several advisory bodies as previously noted.

The City Council annually reviews and approves work plans for each advisory committee, except for the Planning Commission (primarily a quasi-judicial group.)

In the case of the Planning Commission, it makes recommendations to the Mayor and City Council regarding development of the City of Gladstone.

3-5 What happens to an item once it is referred to an advisory board or committee?

Each year, advisory boards, committees and commissions form a work plan for the year. If an item is referred during the year, the Staff liaison will notify the committee chair of the referral. The committee Chair will usually report back to the City Council regarding their ability to absorb the referral into their current work plan.

It is expected the chair of the advisory committee or their designee, rather than a Staff person, report the findings to the City Council. Accordingly, committee chairs should attend the City Council meeting when the recommendation is presented and be available for questions or clarification on the committee recommendation.

Comment [HM55]: A lot of this information is contained in Section 2.6 above. It should be in one place and it should be consistent (so either here in Chapter 3 or all in Section 2.6). I would advise incorporating Section 2.6 into Chapter 3. Some of the advisory boards have separate rules that might apply to how they conduct business – how resignations are handled, etc. If so, the Council should ensure that these rules are consistent with whatever process those boards/commissions are currently using.

CHAPTER 4 - INTERACTION WITH CITY STAFF/OFFICIALS

4-1 Overview

City Council policies are implemented through a dedicated and professional Staff. It is critical to understand the Council/Staff relationship so that policies and programs may be implemented successfully.

4-2 City Council - Administrator Plan of Government

The introduction of this guidebook gives a brief overview of the City Council - City Administrator form of government. The responsibilities and duties of the City Administrator include:

- 4.2.1 Exercise control and supervision of all activities, departments, and offices of the City except the office of Municipal Judge and City Attorney. Generally supervise the administration of the City
- 4.2.2 Appoint and remove department directors (with City Council confirmation) and employees
- 4.2.2 Recommend to Mayor and City Council the appointment of the City Recorder and department heads.
- 4.2.3 Remove all employees including department heads in accordance with the City's Personnel Handbook. Before removing a department head or City Recorder, shall consult with the City Council.
- 4.2.4 Attend all meetings of the City Council at which the City Administrator's attendance is required by Council
- 4.2.3.4.2.5 Supervise the administration and be responsible for the enforcement of all laws and ordinances in effect within the City except the provisions of any ordinance or laws which involve criminal violation, the responsibility of which shall be the duty of the police department
- 4.2.4 See that all laws and ordinances are faithfully executed, subject to the authority which the City Council may grant the Mayor and Council to maintain law and order in times of emergency

Formatted: List Paragraph, No bullets or numbering

Formatted: List Paragraph, No bullets or numbering

Formatted: List Paragraph, No bullets or numbering

4.2.54.2.6 Make policy recommendations to the City Council

4.2.64.2.7 Prepare and submit reports to the Mayor and City Council activity reports with respect to each of the city departments and such other reports as may be required or desirable concerning City affairs

4.2.7 Keep the City Council fully advised of the financial conditions of the City and its future needs

4.2.8 Be the chief budget and fiscal officer of the City and perform the functions of budget officer as prescribed by the Local Budget Law of Oregon (ORS Chapter 294).

4.2.84.2.9 Provide for the Mayor and City Council, an annual fiscal year-end report showing the differences between revenues and expenditures and the ending cash balances for each fund as soon as possible after June 30. Prepare and submit, to the City Council, a proposed budget for the fiscal year

4.2.94.2.10 Perform such other duties as the City Council may determine by ordinance or resolution or as set out in the GMC.

Formatted: List Paragraph, No bullets or numbering

Formatted: Indent Left: 0.46", No bullets or numbering

Formatted: List Paragraph, No bullets or numbering

4-3 Roles and Information Flow

4.3.1 City Council Roles

The City Council retains authority to accept, reject, or amend the Staff recommendation on policy matters.

Members of the City Council must not intrude into those areas that are the responsibility of the Staff. Individual City Councilors may not intervene in Staff decision making, the development of Staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the City Council as a whole. Individual City Councilors will refrain from asking City Staff to work outside normal hours. This is necessary to keep staff focused on established City Council priorities and avoid undue influence and pressure from individual Council members. It also allows Staff to execute priorities given by management and the City Council as a whole using their best professional judgment without fear of reprisal. If a City Councilor wishes to influence the actions, decisions, recommendations, workload, work schedule, or priorities of

City, that City Councilor must prevail upon the Council to do so as a matter of City Council policy.

4.3.2 Significant Requests

City Councilors are free to directly contact the Staff for general information. If the request is significant in nature or initiates any significant project or study the consent of a majority of the City Council must be obtained before redirecting work to this new effort. Individual City Councilors also should not request or direct the City Administrator or Department Heads to initiate any significant action or prepare any report that is significant in nature, without majority City Council approval. City Councilors may discuss ideas with the Administrator, and he/she will determine whether or not the request is significant and needs Council direction.

4.3.3 Access to Information

The City Administrator is the liaison between City Council and City Staff other than general information or routine requests. Requests from City Councilors are to be directed to the City Administrator and will be responded to promptly. The information or response will generally be copied to all City Councilors so that each member may be equally informed. The equal sharing of information with the City Council is one of the City Administrators highest priorities.

There are limited restrictions regarding when information can and cannot be provided. The City is legally bound not to release certain confidential personnel information. Likewise, certain aspects of police department affairs (i.e., access to restricted or confidential information related to crimes) may not be available to members of the City Council. The City Attorney can advise City Councilors in these areas. It is also advised that all requests for the City Attorney go through the City Administrator.

4-4 City Council - City Administrator Relationship

The employment relationship between the City Council and City Administrator recognizes that the City Administrator is the chief executive officer of the City. All dealings with the City Administrator, whether in public or private, should acknowledge the authority of the City Administrator in administrative matters.

The City Administrator must respect and be sensitive to the policy responsibilities of the City Council and acknowledges that the final responsibility for establishing the policy direction of the City is held by the City Council.

4.4.1 Administrative Issues

The City Council is to work through the City Administrator when dealing with management of the City. The City Council should also refrain from attempting to or in In no matter, either directly or indirectly, shall a council member become involved in, or attempt to influence, personnel matters unless otherwise authorized under the Charter or GMC that are under the direction of the City Administrator.

4.4.2 Performance Evaluations

The City Council evaluates the City Administrator on an annual basis to ensure that both the City Council and City Administrator are in agreement about performance and goals based upon mutual trust and common objectives. The City Administrator's performance is evaluated in the areas as mutually agreed by the City Council and City Administrator.

4-5 City Council/ City Staff Relationship

The primary functions of City Staff are to execute City Council policy and actions and to keep the City Councilors informed. Staff is to take guidance and direction only from the City Administrator or Department Director. This direction shall follow the policy guidance of the City Council as a whole.

~~City Council member contact with City Staff members, exclusive of the City Administrator, will be during regular business hours as much as possible, except in the case of unforeseeable circumstances.~~

4.5.1 Political Involvement

Gladstone is a nonpartisan local government. Professional Staff formulates recommendations in compliance with City Council policy and are not to be influenced by political factors. For this reason, it is very important to understand the restrictions of political involvement of Staff.

By working for the City, Staff members do not surrender rights to be involved in political activities during their non-working hours. They may register to vote, sign nominating or recall petitions, and may vote in any election.

There are restrictions against the use of public funds, public property or public facilities to support or oppose ballot propositions or individual candidates. The basic concepts to keep in mind are that public facilities should not be used for campaign purposes, and

employees should not promote or oppose a ballot measure or a candidate during work hours.

4-6 City Council/ City Attorney Relationship

The City Attorney is appointed by and serves at the pleasure of the City Council as the legal officer of the City. The City Attorney is the legal advisor for the City Council, its committees, commissions and boards, the City Administrator, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City. The general legal responsibilities of the City Attorney's Office are to:

- 4.6.1 Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- 4.6.2 Represent the City's interest in civil litigation, administrative hearings, negotiations, and similar proceedings;
- 4.6.3 Prepare or approve as to form ordinances, resolutions contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and
- 4.6.4 Keep City Council and City Staff apprised of court rulings and legislation affecting the legal interest of the City.

It is important to note that the City Attorney does not represent individual members of Council, but rather the City Council as a whole.

Comment [HM56]: Are these duties set out in the Code? Or elsewhere?

CHAPTER 5 - SUPPORT PROVIDED TO CITY COUNCIL

5-1 Staff/Clerical Support

City Staff and Administrative support to members of the City Council is provided through the City Administrators' office.

Secretarial services, including scheduling of appointments, receipt of telephone messages, and word processing, can be made available if approved by the Administrator, and/or a special project is approved by the Mayor and City Councilors.

Sensitivity to the workload of support Staff members in the City Administrator's office is appreciated. Please note that individuals may have work assignments with high priority.

Comment [HM57]: Question here -- do City Councilors have a city voicemail and email? If so should be noted here.

5-2 Office Equipment

Standard office equipment, such as phones, copiers and fax machines are available at City Hall for the City Council's use for City related business. All use of City equipment is governed by the City's Personnel Handbook.

Please remember, this equipment is used to keep the City running – so make sure you have approval and training, as required, before using ~~trying to use it.~~

5-3 Meeting Rooms

~~Please contact the appropriate City Staff to insure conference rooms are properly scheduled.~~

Comment [HM58]: Is there a process by which meeting rooms can be reserved (i.e. a form to fill out, etc?) If so that should be detailed here.

5-4 Mail, Deliveries

Members of the City Council receive a large volume of mail and other materials that are delivered primarily through the use of email and individual mailboxes. Individual mail boxes are maintained for each Councilor ~~member~~ by the City Administrator's Staff. City Councilors are encouraged to check mailboxes often.

Written letters to the Mayor and/or City Council are usually scanned by the City Administrator's Staff and distributed via email to the entire Council and the City Administrator.

All correspondence to City Councilors is a public record, potentially eligible for release.

See the Communications Section (7-8) for procedures regarding City Council correspondence and response to citizens.

CHAPTER 6 - FINANCIAL MATTERS

6-1 City Council Compensation/Reimbursement

The Mayor and City Councilors provide all of their services for no compensation.

However, it is general policy of the City to pay for mileage, transportation, lodging, meals and other necessary travel expenses incurred while on official City business.

Miscellaneous and food for special events is normally preapproved, and paid for. If the City has not set up the event, reimbursements will be made only when valid receipts are presented by City Councilors.

Comment [HM59]: By who?

6-2 Annual Operating Budget, Master Plans and Capital Project Considerations

The City's annual Operating Budget is prepared on a fiscal year basis. The Operating Budget and possible Capital Projects list is prepared each year by the City Administrator

6.2.1 Annual Budget Development and Preparation

State law requires local governments to adopt an annual budget. The budget is a financial plan containing estimates of revenues and expenditures for a fiscal year. The City's budget is the primary tool and road map for accomplishing City goals and priorities. The budget document is the result of one of the most important processes the City undertakes. By adopting the annual budget each June, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for governmental operations.

Formatted: Indent: Left: 0.5"

The City of Gladstone and Gladstone Urban Renewal budget documents are prepared by the City Administrator which is then reviewed and approved by both the Budget Committee and the City Council prior to each fiscal year end. The Fiscal Year for Gladstone is July 1st - June 30th.

Formatted: Indent: Left: 0.5"

As set forth under Section 2.6.1 above typically, the City Administrator, acting in the capacity of the City budget officer, prepares a budget and budget message and disseminates that to the Budget Committee in the spring. The Budget Committee must hold at least one public meeting where the public may ask questions about and comment on the budget before the budget is adopted by the Budget Committee. Once approved by the Budget Committee, the City Council must hold a public hearing and adopt the budget, make appropriations and declare and categorize taxes.

~~The Budget is prepared by the City Administrator with a lot of input by the Mayor, City Council and Budget Committee members. The potential Adopted Budget is reviewed by the Budget Committee and City Council.~~

~~The City Administrator wants to work towards receiving more input from the Budget Committee and City Council earlier in the process.~~

~~The goal is to continually improve the tools and methods that are used to develop the budget.~~

6.2.2 Master Plans

The City's goal is to have several master plans that address the City's infrastructure needs. ~~The Master plans are being established as required.~~ The Master Plans currently underway and/or under consideration to be developed included:

~~6.2.2.1 Storm Water Master Plan~~

~~6.2.2.2 Water Master Plan,~~

~~6.2.2.3 Sanitary Sewer Master Plan~~

~~6.2.2.4 Street Pavement Master Plan~~

Comment [HM60]: Confirm

After the Master plans have been completed the appropriate, expenditures will be proposed annually and approved as needed.

6.2.3 Capital Projects

Capital projects for City's facilities and equipment have been reviewed on a as needed basis. A list of projects and their cost is established in the budget packet annually. Department heads typically request expenditures on a priority/as needed basis. Normally, the City Administrator will bring capital facility/equipment requests to Council after following the appropriate public contracting steps as set forth in the City's Public Contracting Rules and under state law. The City Council will either approve, recommend changes or deny the request. The highest priority is generally requested by the Department Director/head with approval of the City Administrator. The City's Mayor and City Council review, ask questions, discuss and then generally make a motion to approve, not approve or consider another option.

6.2.4 Monitoring

Expenditures and Resources are monitored by the City Administrator and Department heads, throughout the year to ensure that funds are used in an approved and adopted manner.

The City Council also reviews monthly reports and approves payment of claims.

6.2.5 Evaluation

Oregon law requires an annual independent audit of the City's finances (ORS 297.405 et seq.435.) The City contracts with an accountant whose name is included on the roster prepared and maintained by the Oregon Board of Accountancy. The Oregon Secretary of State (SOS) requires that periodic reports of financial condition and financial operations of the City be prepared and submitted when deemed necessary by the SOS. The required audit must be prepared by the Secretary of State or by an independent accountant who is licensed as a municipal auditor by the State Board of Accountancy. The Secretary of State's office has extensive supervisory powers over implementation of audit findings, including the power to withhold certain state payments until compliance is achieved.

6-3 Long-Term Financial Strategy

The City Council has adopted the following long-term financial strategy:

Comment [HM61]: Confirm that the city has adopted this strategy... was it in a resolution?

Key Principals:

- 6.3.1 Make Trade-offs (Do not initiate major new services without either);
 - 6.3.1.1 ensuring that revenue to pay for the service can be sustained over time, or
 - 6.3.1.2 making trade-offs of existing services.
- 6.3.2 Do it well (If the City cannot deliver a service well, the service will not be provided.)
- 6.3.3 Focus programs on Gladstone Residents and Businesses (Give priority to existing infrastructure.)
- 6.3.4 Use Unexpected One-Time Resources for One-time Costs or Reserves (One-time Resources, or Resources above projections, will be used strategically to fund prioritized projects.)
- 6.3.5 Invest in employees (The City will invest in employees and provide resources to maximize their productivity.)
- 6.3.6 Pursue innovative approaches to service delivery (Continue to implement operational efficiencies and cost saving measures in achieving community values. Pursue partnerships and cost sharing strategies with others.)

- 6.3.7 Contract In/Contract Out (Consider alternative delivery to maximize efficiency and effectiveness.)
- 6.3.8 Maintain capacity to respond to emerging community needs
- 6.3.9 Pursue entrepreneurial initiatives
- 6.3.10 Address unfunded liabilities
- 6.3.11 Selectively recover costs (On a selective bases, have those who use a service pay the full cost.)
- 6.3.12 Recognize the connection between the Operating Budget and the Capital Budget.

6-4 Long Range Planning Tool

The Long Range Planning Tool has been developed by the City Council. This tool shows nine plus years of historical data and works to:

- 6.4.1 allow for planning over 20 years;
- 6.4.2 keep the tool transparent;
- 6.4.3 show all meaningful assumptions;
- 6.4.4 link the Long Range Planning tool with the Adopted Budget and Historical Data;
- 6.4.5 simplify the complexity of the Cities financial systems while showing enough detail that can be linked to the Adopted Budget packet;
- 6.4.6 make this tool easy to use and easy to update;
- 6.4.7 show a list of projects that are listed on the Cities Adopted Budget packet as well as the possible expenditures that may be seen in the future for repair or replacement of Water Lines, Storm and Sewage Lines and/or Streets;
- 6.4.8 help persons understand that expenditures & resources need to be linked to certain fund types;
- 6.4.9 make this tool a living document that can be improved;
- 6.4.10 This tool is approved by the City Council and its use will be controlled by the City Staff.

Comment [HM62]: Also confirm that this was developed by the Council -- was it also adopted? Is it a resolution? Check to make sure language matches up with what was previously prepared.

The goal for this Tool, is its use to help the City Administrator to develop the annual budget. It also can be used for “What-if Scenarios” to determine what expenditures may be seen in future years, as well as seeing what resources are needed to meet the needs of the Master Plans and/or special projects.

6-5 Financial Disclosure

Oregon State law has reporting requirements for City elected officials, as well as all City managers/administrators, municipal judges, justices of the peace and members of some local boards and commissions. These statements are to be filed by April 15th each calendar year. (ORS 244.160 to 244.201)

Comment [HM63]: See below under the ethics section.

6-6 Contracting

The City adopted Public Contracting Rules through Resolution 902. All public contracts and the process used to enter into those contracts must comport with Resolution 902 and state public contracting laws. The City’s contracting procedures and contract documents are reviewed by the City Attorney.

6-7 Travel Policy, Miscellaneous Expense and Food Policy (Reimbursement)

It is general policy of the City to pay for mileage, transportation, lodging, meals and other necessary travel expenses incurred while on official City business.

Miscellaneous and food for special events is normally preapproved, and paid for. If the City has not set up the event, reimbursements will be made only when valid receipts are presented by City Councilors.

6-8 Recognition Policy

The City’s Recognition Policy establishes policies and procedures related to expenses incurred for City Council recognition, celebration, retirement or resignation events.

Comment [HM64]: Was this adopted by the City?

CHAPTER 7 - COMMUNICATIONS

7-1 Overview

Perhaps the most fundamental role of a City Councilors is communication:

- 7.1.1 Communication with the public to assess community opinions and needs, and to share the vision and goals of the City with constituents; and
- 7.1.2 Communications with City Staff to provide policy direction and to gain an understanding of the implications of various policy alternatives.

7-2 Local Ballot Measures

At times, initiatives may be placed on the ballots that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. What the City can do is distribute informational reports or pamphlets for the purpose of informing the public of the facts of an issue.

7-3 Proclamations

The City prepares two types of proclamations, regular and Mayoral. A (regular) proclamation goes to the full City Council and is read aloud. The City Council then hands it to a representative from the audience. A Mayoral proclamation is given to the Mayor in his mail box for signatures and then it is usually mailed to the organization.

7-4 Oregon Public Records Law

The Oregon Public Records Law (ORS 192.410 to 192.505) applies to all "public bodies" including governing bodies, officers, departments, commissions, etc. It also applies to all "public records", which includes any "writing" containing information that pertains to the conduct of the public business. "Writing" is defined broadly and includes handwriting, typewriting, photographs, maps, discs and tapes.

7-5 Electronic Communications

As soon as an email hits the server it may be subject to public disclosure. An email is automatically saved in an archive and retained in accordance with state law.

Comment [HM65]: See above section on public records.

7-6 Correspondence from City Council Members

Members of the City Council may be called to write letters to citizens, businesses, or other public agencies. Typically the Mayor will be charged with transmitting the City's position matters to outside agencies on behalf of the City Council and/or the City Administrator will do the same, for the Mayor.

7-7 Response to Emails

If any City Council member receives an email sent directly to his/her address, he/she is not required to share his/her response with the full Council. However, if he/she would like the full City Council to be aware of the response, it is up to him/her to copy to the "Council" email address on that response. It needs to be understood that the Oregon Public Records Law applies to emails.

7-8 Response to Paper Letters

All paper letters (whether addressed to all or one) will be scanned and emailed to the full City Council. If the City Administrator deems the letter needs a response he/she will identify a City Staff member to respond, and follow the same procedure listed above (7-7) (except he/she will not send an initial response to the sender, and the Staff responder should forward a paper copy of his/her response to the City Administrator so he/she can forward it to the full City Council.

CHAPTER 8 - CONFLICTS OF INTEREST, ETHICS AND LIABILITY OF ELECTED OFFICIALS

Overview

Oregon's government ethics laws are set forth in ORS Chapter 244. These laws apply to all public officials¹, which includes elected city councilors. Under these laws, no public official may use the office, official position or information to obtain a financial gain, other than official salary, honorariums or reimbursement of expenses for themselves.

¹ "Public official" means any person who *** is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

their relatives and members of their households or businesses with which either they or their relatives or members of their households are associated. ORS 244.040.

Conflicts of Interest

State law also requires public disclosure of actual and potential conflicts of interest and requires public officials to refrain from further participation in official action on the issue that gave rise to an actual conflict of interest. An actual conflict of interest is defined in ORS 244.020(1) and a potential conflict of interest is defined in ORS 244.020(12). In brief, a public official is met with a conflict of interest when participating in official action which could (potential) or would (actual) result in a financial benefit or detriment to the public official, a relative of the public official or a business with which either is associate.

All elected and some appointed officials serving on boards or commissions must state the nature of any actual or potential conflict of interest by publicly announcing it at a Council meeting. If the conflict of interest is an actual conflict, the official must refrain from further participation in official action on the issues that gave rise to an actual conflict of interest. If the conflict is a potential conflict, the official may participate in further official action on the issue that gave rise to the conflict of interest once the public disclosure is made. The public disclosure must be made every time the issue arises. Appointed officials, other than those on boards and commissions, are required to notify the appointive authority of any potential conflict, leaving disposition of the matter to that authority.

Gifts

The law also prohibits public officials from soliciting or receiving offers of future employment in return for influence. Legislation passed in 2007 and 2009 limits the value of gifts which officials, candidates, or members of their families may receive to an aggregate of \$50 annually from any single source that may have a legislative or administrative interest in the activities of the official. This legislation redefined and expanded the definition of “members of household” and “relatives” as used in the reporting rules as well as explicitly setting forth the exceptions to the term “gift”.

Reporting Requirements

State law also imposes reporting requirements on City Councilors. These public officials are required to file Annual Verified Statements of Economic Interest that become public records. These reports must be filed by April 15th every year disclosing, among other things, any expenses reimbursed with an aggregate value exceeding \$50, all honoraria received with a value exceeding \$15, and each source of income in excess of \$1,000 from an individual or business that could have an administrative or legislative interest. The rules no longer require the listing of the names of adult family members and relatives in the statements. The income reporting requirements were also amended so that if there is no potential administrative or legislative interest in a source of income then the reporting

requirement is limited to a listing of those sources that produce 10% or more of a public official's annual household income.

State law also prohibits nepotism in the form of a public official's participation in the hiring, firing, promoting or demoting of relatives and members of the household by the agency of the public official. This does not apply to volunteer positions. Direct supervision is also forbidden.

The Oregon Government Ethics Commission (OGEC) administers the conflicts of interest law, including investigation of infractions, imposition of penalties and issuance of advisory opinions. In addition to civil sanctions, some conflicts of interest may subject public officials to criminal penalties.

Quasi-Judicial Matters

In quasi-judicial matters, the public has a right to have hearing-body members free from prehearing or *ex-parte* contacts on matters heard by them. Quasi-judicial matters are typically limited to applications before the Council for approval (e.g. conditional use permit, design review, other land use matters). If contacts are made prior to a hearing but do not impair the member's impartiality, the member may so state and participate and vote on the matter. Likewise, members of a hearing body must be free from having any bias, such as a financial interest or a close personal relationship, which affects their ability to render an impartial decision. Finally, members of hearing bodies must decide quasi-judicial matters based upon the record presented to them and may not conduct their own investigations or research.

Personal Liability

Under some circumstances, public officials may be personally liable. Tort actions may be brought against them. Torts are injuries or wrongs done to the person or property of another. The personal liability of public officials is governed primarily by the Oregon Tort Claims Act (ORS 30.260 to 30.300), and Section 1983 of Chapter 42 of the United States Code. Under the Act public officials are defended and held harmless by their public body for actions taken in their official capacity, as long as they are acting within the scope of their authority.

Members of the Council can best protect themselves from personal liability by soliciting and following the advice of the City Attorney. Additionally, new legislation provides a public official the option of establishing a legal defense fund. The same quarterly deadlines mentioned above apply to the filing of statements of contributions and expenses to the legal defense fund.

The Gladstone Mayor and City Councilors must not allow being part of a conflict of interest that is covered by a Constitutional Provision or Statutory Provision.

8-1 Conflicts of Interest

State law (ORS 244.040) requires that Mayor and City Council not use their official positions or offices to obtain financial gain other than official salary, honorariums, or reimbursements of expenses. The law also limits the value of gifts that officials, candidates, or members of their families may solicit receive, or that any person may offer, and prohibits public officials from soliciting or receiving offers of future employment in return for influence. The law also prohibits public officials from furthering their personal gain by use of official information.

8-2 Applicability

All City officers, elected and appointed, are subject to the conflict of interest laws.

8-3 Acts not Constituting a Conflict of Interest

The following are acts not Constituting a Conflict of interest:

- 8.3.1— Receiving municipal services on the same terms and conditions as if not a City official. Thus, when a City Council member, who owns a business within the City, votes for or against an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the corporate limits.
- 8.3.2— An officer or employee of another political subdivision or public agency unless it is the same governmental entity being serviced who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a City Council member who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Council member.
- 8.3.3— A member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons.

8-4 Declaration of a conflict

When a substantial interest exists, the City official must:

~~8.4.1 Refrain from voting or in any way influencing a decision of the City Council; and~~

~~8.4.2 Declare that a conflict of interest exists and make it known in the official records of the City.~~

8-5 City Attorney Opinions

~~A City Council member's request for an opinion from the City Attorney concerning conflict of interest is confidential. City Council members may seek advice from a private attorney, at their own expense, concerning potential conflicts. In such cases, no disclosure policy would apply.~~

8-6 Liability

~~A public official may be personally liable for an action in tort. However, under the Oregon Tort Claims Act (OTCA), public officials are to be defended and saved harmless by their public body for actions taken in their official capacity, except for malfeasance in office or willful or wanton neglect of duty.~~

CHAPTER 9 - LEAVING OFFICE

9-1 Return of Materials and Equipment

During their services the City Council, members may have acquired or been provided with equipment such as computers or other items entailing a significant expense, as well as keys, etc. These items are to be returned to the City at the conclusion of a Council members term.

9-2 Filling Council Vacancies

A City Council seat shall be deemed vacant upon the incumbent's death; court-ordered incompetence; conviction of a felony, other offense pertaining to the office held, or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the time for their term of office to comment; and upon a declaration by Council of a vacancy. Gladstone City Charter Section 32.

In the event a Councilor resigns, they should submit a letter to the City Council, Mayor and City Staff that clearly states their intention to resign and the effective date. The purpose of this section is to provide guidance to the City Council when a member's position becomes vacant before the expiration of the elected official's term of office. Pursuant to state law, a vacancy shall be filled only until the next municipal election to fill that particular position.

9-3 Appointment Process

The Gladstone City Councilors position to be filled, will be advertised in the Gladstone Newsletter. The applications for the requirements are specific and will be reviewed by the remaining Mayor and City Council members.

The Mayor and City Council may approve or not approve applicants based on their qualifications

When a vacancy occurs, the open position The Gladstone Council member's position to be filled will be advertised in the Gladstone City Newsletter and local media outlets. The application, prescribed by the City Council, will be completed and submitted by the due date. A resume² maybe included with the submitted application but is not mandatory. The remaining Mayor and Council members will review the applications received. At the designated, City Council meeting, the applicants will have an opportunity to introduce themselves and make a short presentation, if they desire. Each member of the Council will exercise one vote. The applicant who receives a majority of the votes will be appointed as the new City Councilor. If there is a tie or an applicant does not receive a majority of votes then the Council members may discuss the reasoning of their selection with the possibility of a member changing his/her vote so a majority vote is reached. However, if after a discussion and revote a majority is still lacking or there is still a tie only the two applicants receiving the most votes will move on if three or more applicants received votes. If a stalemate still persists then the Council may ask for additional applicants to select from.

Formatted: No underline

Formatted: No underline

Formatted: No underline

Formatted: No underline

APPENDIX A: List – (City of Gladstone Policies & Procedures)

Gladstone Municipal Code

City Mission Statement – Amended Approved 09.11.2012

City Vision Statement – *Amended Approved 09.11.2012*

City Values Statement – *Amended Approved 09.11.2012*

Gladstone Accounts Payable Policy

Public Policy on Policing for the City of Gladstone, January 6, 2010

GLADSTONE COMPREHENSIVE PLAN – GOALS, OBJECTIVES, POLICIES AND IMPLEMENTATION STRATEGIES – UPDATED OCTOBER 2006

GLADSTONE COMPREHENSIVE PLAN – INVENTORY AND ANALYSIS – ARIL, 1979

Gladstone Personnel Handbook – January 2013

APPENDIX B: List - (Other References)

HANDBOOK FOR OREGON CITY COUNCILORS – Updated January, 2004

OREGON GOVERNMENT STANDARDS AND PRACTICES LAW - A GUIDE FOR
PUBLIC OFFICIALS

THE NEW ROBERT'S RULES OF ORDER

APPENDIX C – (City Charter)

CHARTER

Note

*Note: The Charter was approved at the general election held November 6, 1984.

To provide for the government of the City Gladstone, Clackamas County, Oregon; and to repeal all Charter provisions of the city enacted prior to the time that this Charter takes effect, except as hereinafter provided in Section 4.

**BE IT ENACTED BY THE PEOPLE OF THE CITY OF GLADSTONE,
CLACKAMAS COUNTY, OREGON:**

CHAPTER I NAME AND BOUNDARIES

Section 1. Title of Enactment. This enactment shall be referred to as the City of Gladstone Charter of 1984.

Section 2. Name of City. The municipality of Gladstone, Clackamas County, Oregon, shall continue to be a municipal corporation with the name City of Gladstone, Oregon.

Section 3. Boundaries. The city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by voters, by the council, or by any other agency with legal power to modify them. The city shall keep at the city hall at least two copies of this Charter in each of which shall be maintained an accurate, up-to-date

Comment [HM66]: I noticed that the new Charter amendments are not listed here -- they should be inserted.

description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours.

CHAPTER II POWERS

Section 4. Powers of the City. The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or implied grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

CHAPTER III FORM OF GOVERNMENT

Section 6. Where Powers Vested. Except as this chapter provides otherwise, all powers of the city shall be vested in the council.

Section 7. City Council. The council shall be composed of a mayor and six council members elected from the city at large and by position number.

Section 8. Council Members. Each council position shall bear a number from one through six and all candidates for council positions shall designate on their nomination petition the number of the council position to which they seek election. No candidate may run for more than one position at an election. The council members whose terms of office expire January, 1986, shall be assigned positions No. 1,3 and 5. The council members whose terms of office expire January, 1985, shall be assigned positions No. 2,4 and 6. The council members in office at the time this charter is adopted shall continue in office, each until the end of the term of office as fixed by the charter of the city in effect at the time this charter is adopted. Council members shall be elected for a term of four years at each biennial general election thereafter for vacancies that have occurred or to fill unexpired terms.

Section 9. Mayor. At the biennial general election held in 1986, and every fourth year thereafter, a mayor shall be elected for a term of four years. The term of office of the mayor incumbent at the time this charter is adopted shall continue until January, 1987.

Section 10. Appointed Officers. Officers of the city, reporting directly to the city council, shall be a Municipal Judge, City Administrator, and City Attorney, and such other appointed officers as the council deems necessary. Each of these officers shall be appointed and may be removed by the mayor, with the consent of the council. Said officers shall be subject to performance evaluations no less than every four years.

Section 11. Compensation. The compensation for the services of each appointed city officer and employee shall be the amount fixed by the council.

Section 12. Qualifications of Officers. No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the 12 months immediately preceding the election and maintains continuous residency during the term of office. The council shall be final judge of the qualifications and election of its own members.

CHAPTER IV COUNCIL

Section 13. Meetings. The council shall hold a regular meeting at least once each month in the city at a time and at a place which it designates. Meetings of the council may also be held at any time by consent of a majority of the members of the council. The mayor or three members of the council may, by giving notice thereof to all available members of the council, call an emergency meeting of the council. The council shall adopt rules for the government of its members and proceedings.

Section 14. Quorum. A majority of members of the council shall constitute a quorum for its business.

Section 15. Record of Proceedings. The council shall cause a record of its proceedings to be kept. Upon the request of any of its members, and ayes and nays upon any questions before it shall be taken and entered in the record.

Section 16. Proceedings to be Public. No action by the council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. Mayor's Functions at Council Meetings. The mayor shall be chairman of the council and preside over its deliberations. The mayor shall be a voting member of the council. He shall have authority to preserve order, enforce the rules of the council, and determine the order of the business under the rules of the council.

Section 18. President of the Council. At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect by ballot a president from its membership. Upon the mayor's absence from a council meeting, the president shall preside. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor.

Section 19. Vote Required. Except as this charter otherwise provides, the concurrence of a majority of the council members present at a council meeting shall be necessary to decide any question before the council.

CHAPTER V POWERS AND DUTIES OF OFFICERS

Section 20. Mayor. The mayor shall oversee the general affairs of the city. The mayor shall appoint, with the approval of the council, the committees provided by the rules of the council. He shall sign all records of proceedings approved by the council. He shall have no veto power.

Section 21. City Administrator.

- (a) The City Administrator shall be the administrative head of the government of the city.
- (b) Term. The City Administrator shall be appointed for an indefinite term and may be removed at the pleasure of the council.
- (c) Powers and Duties. The powers and duties of the City Administrator shall be those set forth by the council.

Section 22. Municipal Judge.

- (a) The council may appoint a municipal judge who serves at the pleasure of the council. The municipal judge shall be a member in good standing of the Oregon State Bar.
- (b) Powers and Duties. He shall hold within the city a court known as the municipal court for the City of Gladstone, Clackamas County, Oregon. The court shall be open for the transaction of judicial business at times specified by the council. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction over all crimes and offenses defined and made punishable by ordinances of the city and all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinance of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. In addition, the municipal judge shall have such jurisdiction and powers as set forth in the state statutes. When not governed by ordinances of this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 23. City Attorney.

The council may appoint a City Attorney who serves at the pleasure of the council and serves as the legal officer of the city. The City Attorney shall be a member in good standing of the Oregon State Bar.

(a) Powers and Duties. The powers and duties of the City Attorney shall be those set forth by the council.

CHAPTER VI ELECTIONS

Section 24. Regular Elections. Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws.

Section 25. Notice of Regular Elections. At least ten days notice of each regular city election shall be given by posting notice thereof at a conspicuous place in the City Hall and two notices at conspicuous places in the City of Gladstone, Oregon. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon and the time and place of the election.

Section 26. Special Elections. The council shall provide the time, manner and means for holding any special election. At least ten days notice of each special election shall be given in the manner provided by the action of the council ordering the election.

Section 27. Regulations of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, canvasses and recounts of the returns therefrom, and contests thereof.

Section 28. Tie Votes. In the event of a tie vote for candidates-for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by council.

Section 29. Commencement of Terms of Office. The term of office of a person elected at a regular city election shall commence the first meeting of the year immediately following the election.

Section 30. Oath of Office. Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions, charters and laws of the United States, the State of Oregon and the City of Gladstone, and that he will faithfully perform the duties of his office.

Section 31. Nominations. The council shall provide by ordinance the mode for nominating elective officers, provided any qualified person may be nominated by petition filed by 25 legal voters of the city.

CHAPTER VII VACANCIES IN OFFICE

Section 32. What Creates Vacancy. An office shall be deemed vacant upon the incumbent's death; court-ordered incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation, recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the time for his term of office to commence; and upon a declaration by the council of the vacancy.

Section 33. Filling of Vacancies. Vacant elective offices in the city shall be filled by appointment. A majority vote of the council shall be required to validate the appointment. The appointee's term shall begin immediately upon his appointment and shall continue until the beginning of the year following the next general biennial election and until his successor is qualified, and his successor for the unexpired term shall be chosen at the next general biennial election after said appointment. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tern in the manner provided for filling vacancies in office permanently.

CHAPTER VIII ORDINANCES

Section 34. Enacting Clause. The enacting clause of all ordinances hereafter enacted shall be, "The City of Gladstone ordains as follows:"

Section 35. Mode of Enactment.

- (1) Except as provided in the second and third paragraphs of this section, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open council meeting on two different days.
- (2) Except as the third paragraph of this section provides to the contrary, an ordinance may be enacted at a single meeting of the council by unanimous vote of the council members present, upon being read first in full and then by title.
- (3) Any of the readings may be by title only if no council member present at the meeting 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 City Hall 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 the 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 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 final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(5) Upon the enactment of an ordinance, an officer of the city, as designated by the council, shall sign it with the date of its passage and his name and title of office.

Section 36. When Ordinance Takes Effect. Any ordinance enacted by the council shall take effect on the 30th day after its enactment. When the council deems it advisable, however, an ordinance may provide a different time for it to take effect, and in case of an emergency, it may take effect immediately.

CHAPTER IX PUBLIC IMPROVEMENTS

Section 37. Condemnation. Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it shall be devoted.

Section 38. Improvements. The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of three-fifths of the area to be specifically assessed therefore. In this section "owner" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the city in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner".

Section 39. Special Assessments. The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 40. Bids. Competitive procurement methods shall be adopted by ordinance.

CHAPTER X MISCELLANEOUS PROVISIONS

Section 41. Debt Limit. Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed \$5,000. For purposes of calculating the limitation,

however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 42. Bonded Indebtedness. Except as authorized by general state law, the city shall not issue and sell general obligation bonds unless authorized by the consent of a majority of the voters at an election. This restriction shall not apply to the issuance and sale of general obligation improvement bonds.

Section 43. Grammatical Interpretation. The following grammatical rules shall apply in this charter, unless it is apparent from the context that a different construction is intended:

- (a) Gender: Each gender includes the masculine, feminine and neuter genders.
- (b) Singular and Plural: The singular number includes the plural and the plural includes the singular.
- (c) Tenses: Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

Section 44. Garbage Burning. The City Attorney is directed to prevent the discharge of cancer-causing agents, lead or mercury from garbage burning within one mile of schools in Gladstone.

Section 45. Existing Ordinances Continued. All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 46. Repeal of Previously Enacted Provisions.

All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 47. Time of Effect of Charter. This charter shall take effect 30 days after its approval by the voters of the City of Gladstone.



