

**RESOLUTION NO. 1129**

**A RESOLUTION ADOPTING COUNCIL RULES FOR THE GLADSTONE CITY  
COUNCIL AND REPEALING PRIOR RULES**

**WHEREAS**, the Gladstone City Charter Sections 13, 17, and 20 require the City Council to adopt rules to govern its members and proceedings;

**WHEREAS**, the City established a committee that had members of the public and members of the Council review and suggest changes to the existing rules;

**WHEREAS**, the City Council held multiple work sessions over the course of 2017 and considered changes to its existing rules;

**WHEREAS**, the City Council held its final work session on November 28, 2017 and directed staff to return with final rules for adoption by resolution;

**WHEREAS**, the City Council finds that the adoption of rules will provide clear and simple procedures for the orderly consideration of Council business and the efficient development and adoption of City policies; and

**WHEREAS**, the City Council finds that it is in the public interest to adopt Council Rules.

**NOW, THEREFORE**, the City of Gladstone Resolves as follows:

**SECTION 1.** The City of Gladstone adopts the Council Rules attached in Exhibit A.

**SECTION 2:** This resolution repeals Resolution No. 1032 which adopted the most recent version of the rules, and repeals any older version of rules governing the Council, its members and the conduct of Council business.

**SECTION 3:** This resolution is effective immediately upon adoption by the City Council.

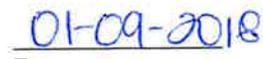
**ADOPTED** this 9<sup>th</sup> day of January, 2018.

  
\_\_\_\_\_  
Tamara Stempel, Mayor

  
\_\_\_\_\_  
Date

**ATTEST:**

  
\_\_\_\_\_  
Tami Bannick, City Recorder

  
\_\_\_\_\_  
Date

**RESOLUTION 1129  
EXHIBIT A**

**CITY OF GLADSTONE  
CITY COUNCIL RULES**

**A. AUTHORITY**

City Charter Sections 13, 14 and 15 refer to meetings, quorum and records for Council meetings and require the Council to adopt a resolution relating to those subjects. The Council wishes to comply with the Charter and to adopt a resolution that governs the conduct of its meetings. The Council will review this resolution at least annually. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

**B. DEFINITIONS** As used in this resolution, the following mean:

- City Commissions: All City commissions, boards, committees, task forces and advisory bodies.
- Council and Council members: The Mayor, the President of the Council and the Councilors.
- Councilors: The Council President and the Councilors.
- Mayor: The Mayor, or in the absence of the Mayor, the President of the Council or other Presiding Officer.

**C. COUNCIL MEETINGS**

1. Regular Meetings to conduct Council business will be held the second Tuesday of each month. Regular meetings will be held at City Hall Council Chambers unless another location is approved by the Council.
2. Work sessions to develop City policy will be held as the need arises. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Administrator in consultation with the City Council. Typically, no public comment will allowed during work sessions.
3. Special meetings may be called by the Mayor or three members of the Council.
4. Emergency meetings may be called by the Mayor, three members of the Council or City Administrator with less than 24 hours' notice.
5. Executive sessions may be held as permitted by the Oregon Public Meetings Law.
6. All meetings will be held in compliance with the Oregon Public Meetings Law.
7. Minutes or their legal equivalent will be taken as provided by the Oregon Public Meetings Law.

8. Telephonic/electronic meetings may be held in compliance with the Oregon Public Meetings Law. Council members may participate and vote in Council meetings via telephone, electronically or by other means consistent with the Oregon Public Meetings Law.
9. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings. Excused absences from Council meetings include:
  - Death in the family
  - Illness
  - Family emergency
  - Scheduled vacation; however, Councilors are encouraged when possible to schedule vacations during scheduled Council recesses
  - Essential business duties
  - On City business
  - Other absences as excused by the Mayor and in case of the Mayor as excused by the Council President

#### **D. AGENDA**

1. The agenda headings for Council business meetings are generally as follows:
  - CALL TO ORDER
  - ROLL CALL
  - FLAG SALUTE & PLEDGE OF ALLEGIANCE
  - PUBLIC COMMENTS (on topics on non-agenda items)
  - CONSENT AGENDA
  - CORRESPONDENCE
  - REGULAR AGENDA
  - BUSINESS TO BE CARRIED FORWARD
  - BUSINESS FROM THE COUNCIL
  - ADJOURNMENT
2. The City Administrator will prepare and schedule agenda items. Council members may request that items be placed on an agenda. Council members may make agenda suggestions at any Council meeting or by communication with the City Administrator. Council members will make best efforts to reach consensus at a public meeting on agenda items and should obtain staff input before requesting an agenda item. Agendas will generally be set to allow meetings to end no later than 10:00 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.
3. Items appropriate for the consent agenda are items that are deemed to be non-controversial and not likely to require separate discussion. The consent agenda is generally approved with one motion. Any Council member may ask that any item be removed from the consent agenda. Upon such request, the item in question will be moved to the new business section of the agenda.

## **E. COUNCIL DISCUSSIONS AND DECORUM**

1. Council members will conduct themselves so as to bring credit upon the City government by acting in a non-discriminatory manner, keeping informed about matters coming before the Council and abiding by Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor in preserving order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey rulings of the Mayor or Council rules. When addressing staff or members of the public, Council members will confine themselves to questions or issues under discussion and not engage in personal attacks or impugn the motives of any speaker.
3. The following ground rules will be observed to maintain order and decorum during Council discussions:
  - a. Council members will gather necessary information and ask questions of City staff before meetings.
  - b. Council members will have an opportunity to speak at least once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
  - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
  - d. Amendments to proposed ordinances may be appropriate, but input from the City Administrator or the City Attorney will be sought to accomplish the Council members' objectives.
  - e. Council members will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on only one issue or topic at a time.
  - f. Council members will focus on City issues and avoid becoming involved in "extra-territorial" issues.
  - g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.
  - h. Council members will not disguise statements as questions or use repetition as a way to convince others.
  - i. Council members will keep discussions moving and call for a "process check" if the Council becomes bogged down in discussions.
  - j. Council members may set and adhere to time limits on discussions.

- k. Council members will refrain from criticizing or attacking each other, City staff or other persons.
  - l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.
4. Public Comment.
- a. The Council shall receive comments from the public:
    - 1. At the time on the agenda for public comment on items not on the agenda;
    - 2. As required for any public hearing; and
    - 3. Before the Council takes final action on any agenda item.
  - b. Citizen and community group testimony forms will be available at each regular business meeting. At the time on the agenda designated for public comment, during any public hearing, and before the Council takes action on any agenda item, any member of the public desiring to address the Council must first fill out a testimony form and when recognized by the Mayor then state his or her name for the record. The Council may set time limits for comments. The Council may request that groups with similar comments choose a spokesperson to present joint remarks.
  - c. During public hearings and public comment on the agenda items, all public comment must relate to the matter under discussion and addressed to the Mayor and Council.
  - d. In general, Council members will not respond to comments from the public, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before being placed on a future agenda.

## **F. MOTIONS**

- 1. General.
  - a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.
  - b. The motion maker, Mayor or City Recorder should repeat the motion prior to voting as necessary to provide clarification to the Council.
  - c. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes and a point of order do not require a second. .
  - d. Discussion of a motion is open to all Council members who wish to address the motion. A Councilor must be recognized by the Mayor before speaking.
  - e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified under state law from voting. A Council member who does not vote must state the basis for any conflict of interest or

other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion. A roll call vote is always taken when the Council votes on an ordinance.

- f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes should do so briefly and succinctly.
2. Withdrawal. A motion may be withdrawn by the motion maker at any time without the consent of the Council.
3. Tie. A motion that receives a tie vote fails.
4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.
5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds vote. Debate may continue if the motion fails.
7. Point of Order. A challenge motion used to correct errors or mistakes of procedure. No vote is required and the Mayor decides the procedural point. The Mayor can confer with the City Attorney if he/she desires.
8. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table and reconsider may not be amended.
9. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

## **G. COUNCIL MEMBER CONDUCT**

1. Representing City. If a Council member appears before another governmental agency, organization or media to give a statement on an issue, the Council member must state:
  - a. Whether the statement reflects personal opinion or is the official position of the City Council;

- b. If the Council member is representing the City, the Council member must support and advocate for the official City position on the issue rather than a personal viewpoint.
- c. Council members should obtain the appropriate permission before representing another Council member's view or position with the media.

## 2. Censure.

- a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.
- b. Before taking any action to publicly reprimand or censure a Council member, the Council must plainly state its concerns in writing or in an open public meeting, and the Council member must have a reasonable opportunity to respond.
- c. The Council may thereafter investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

## **H. CONFIDENTIALITY**

- 1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Administrator, City Attorney or others as approved by City Council.
- 2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
- 3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
- 4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. The Council may censure a member who discloses a confidential matter or otherwise violates these rules.

## **I. COMMUNICATION WITH STAFF**

- 1. Council will respect the separation between policy making (Council function) and administration (City Administrator function) by:

- a. Working with the staff as a team with a spirit of mutual respect and support.
  - b. Except in a Council meeting, not attempting to influence a City employee or the City Administrator concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of City licenses and permits. However, the sharing of ideas on these matters is appropriate.
  - c. Limiting individual contacts with City staff to the City Administrator, or other designated staff so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the City Administrator authority or prevent the full Council from having the benefit of any information received. To this end, Council members shall not request City staff to perform significant work without the prior approval of the City Administrator, so that workloads and work plans are not adversely impacted.
  - d. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
2. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information. In situations where staff provides a copy of an existing document previously provided to the Council, staff will advise the entire Council rather than providing the material to each Council member.
  3. The Mayor and City Council will refer any comments or questions regarding City personnel or administration to the City Administrator. The Mayor and City Council may redirect other questions to a Council member or the City Administrator, as appropriate. .

## **J. MINUTES**

1. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:
  - a. The name of Council members and staff present;
  - b. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
  - c. The result of all votes, including ayes and nays and the names of the Council members who voted and justification if given;
  - d. The substance of the discussion on any matter; and
  - e. Reference to any document discussed at the meeting.
2. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, Council members should read and submit any changes, additions or corrections to the City Recorder so that a corrected copy may be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.
3. The City Recorder or designee will make an audio recording of all meetings. The City Recorder will maintain custody of all recordings, but a Council member may obtain a copy of any

recording and the City Recorder will advise the entire Council of request. A Council member may obtain a meeting transcript or partial transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval unless the transcript is required to establish a written public record of an interpersonal conflict involving a member of the Council. The City Recorder is authorized to produce transcripts as required by law.

## **K. ADJOURNMENT**

1. Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.
2. Upon the request of a Council member, a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:
  - a. When made as an interruption of a member while speaking; or
  - b. While a vote is being taken.

## **L. BIAS AND DISQUALIFICATION**

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept the challenge will be accepted and voted upon by the Council minus the challenged member. Such challenges and the Council's decision will be incorporated into the record of the hearing.
2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and to leave the Council table.
3. If the Council believes the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law:

A: an actual conflict of interest is defined as one that would be to the private financial benefit or detriment of the Council member a relative or a business with which the Council member or a relative is associated.

B. A potential conflict of interest is one that could be to the private financial benefit or detriment of the Council member, a relative or a business with which the Council member or a relative is associated.

A “relative” means the spouse, children, siblings or parents of the public official or public official’s spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

#### **M. EX PARTE CONTACTS AND DISQUALIFICATION**

1. For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts may be either oral statements when other interested parties are not present or written information that other interested parties do not receive.
2. If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether he or she will participate or abstain.
3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

#### **N. OREGON GOVERNMENT ETHICS COMMISSION REQUIREMENTS AND REPORTING**

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with state law, it is each Council member’s responsibility to file all required statements of economic interest with the Oregon Government Ethics Commission.

#### **O. OREGON PUBLIC RECORDS LAW**

1. Right to Inspect. The written record of public business is available, with some important exceptions, to any person. Under ORS 192.420, “every person” has a right to inspect any non-exempt public record.
2. Public Body. The Public Records Law applies to any public body in the state which includes the Council.
3. Records Covered. The definition of “public records” and the ORS 192.420 policy statement make it clear that the records law applies to all government records of any kind. The definition of “public record” includes “any information” prepared, owned, used or retained by a city, relating to an activity, transaction or function of the city, or necessary to satisfy fiscal, legal, administrative or historical policies, requirements or needs of the city. Public records are no longer limited to “documents” and need not be prepared by the city. Records prepared outside government “owned, used or retained” by the city, are within the scope of the records law. This includes e-mails relating to city business sent to and from any Council member whether those e-mails were sent from a Council member’s private account or city e-mail account.
4. Exemptions. The records law is primarily a *disclosure* law not a confidentiality law. Exemptions are limited in nature and scope because state policy favors public access to government records. When the city denies a records inspection request, it has the burden of proving that the record information is exempt from disclosure and this determination should be made by the City Attorney.
5. Retention. State laws and regulations govern the retention and destruction of public records. There is no set amount of time that a public record should be retained; the content of the document will determine the retention schedule. For example, an e-mail sent to or from a Council member does not have a set retention schedule; it will depend on the content of the document and then conferral with the City Recorder and City Attorney to determine how long it should be retained. Council members are advised to consult with the City Recorder and City Attorney before destroying public records.

**P. LEGAL ADVICE**

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Administrator to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member should make requests of the City Attorney through the City Administrator. Exceptions to this are issues related to the performance of the City Administrator and unique or sensitive personal, yet City business-related, requests.

**Q. ROBERT’S RULES**

Robert’s Rules of Order Newly Revised Eleventh Edition will be used as the guideline for conduct of Council meetings, except where these Rules specifically apply.

**R. COMMISSIONS, BOARDS, COMMITTEES, ORGANIZATIONS & MEDIA**

1. Citizen Appointment and Removal.

- a. When a vacancy occurs on City commissions, boards and committees, the City will post notice of the vacancy and accept applications. After a review of the applications received, the Mayor and City Council will, by majority vote, appoint individuals to vacant positions.
- b. When creating an ad hoc committee or a vacancy occurs on an ad hoc committee, City staff and Council will make recommendations to the Mayor who will then appoint the chosen individuals with the consent of the Council by a majority vote at a Council meeting.
- c. Council members will encourage broad participation on City commissions, boards and committees.
- d. A citizen may not serve on more than two City commissions, boards or committees simultaneously, in order to encourage the broadest possible citizen involvement. Any citizen serving on two City commissions, boards or committees may not be chairperson of both simultaneously. This limitation does not apply to service on the City Budget Committee.
- e. Members of a board, committee, or commission serve at the pleasure of the City Council and, except as may be limited or prohibited by law, may be removed at any time and for any reason by a majority vote of the City Council. Members of a board, committee or commission who are absent from more than three (3) regular meetings in a calendar year are considered to have resigned from the board, committee or commission.

2. Council Member Participation.

- a. Council members will encourage citizen participation in City commissions, boards and committees.
- b. Council members may and are encouraged to attend meetings so long as a quorum of the Council is not present.
- c. Council shall: (1) be mindful of their role as individual Council members and not representing the full Council unless specifically authorized to do so, and (2) facilitate full discussion and participation by the regular members of the body.
- d. Council members should limit their attendance at and participation in meetings at which quasi-judicial public hearings are conducted on matters that are appealable to Council, so as to avoid challenges for bias as set forth in Section L of these rules.

**S. CITY ADMINISTRATOR EVALUATION**

1. Criteria. The standards, criteria and policy directives used in the evaluation of the City Administrator will be adopted at a regular Council meeting in accordance with state law.
2. Process.

- a. Evaluation sessions will be scheduled in accordance with the City Administrator's decision on whether to hold the evaluation in open or executive session.
  - b. In February, or in accordance with the current City Administrator contract, Council members and staff designated by Council, if any, will review the elements in the evaluation forms and will provide completed evaluations to the City Recorder by March 1. The City Recorder will forward all sealed envelopes containing evaluations to the City Attorney who will tabulate the results of the evaluation forms.
  - c. At the first meeting in March, or in accordance with the current City Administrator contract, the Mayor and Council will meet in executive session to discuss their assessment of the City Administrator's performance and to decide what message will be delivered to the City Administrator. This is also the time, if necessary, to draft the criteria and goals for the upcoming year to discuss with the City Administrator.
  - d. At this or a subsequent meeting, the Council will then meet with the City Administrator in an evaluation session. Council summary comments and individual Council member comments will be made. The City Administrator will have an opportunity to respond to all comments. The effect of the evaluation on the City Administrator's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the City Administrator.
  - e. Compensation may not be discussed in executive session. The Council may convene with the City Administrator in open session to review any final performance evaluation and discuss compensation. Any final summary of the evaluation process shall be prepared by the City Attorney and the Mayor.
3. Contract. The City Attorney and Mayor or other designated member of the City Council will prepare any employment contract amendments to the City Administrator's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting. The evaluation process should be concluded by the end of May each calendar year, although the formal consideration of any contract amendment may occur in the following year.

## **T. COUNCIL EXPENSES**

1. Reimbursement. The Council will follow the same rules and procedures for reimbursement as City employees, as established by City policy. Councilor expenditures for other than routine expenses (e.g., conference registration and travel are examples of non-routine expenses) require advance Mayor approval. Unless requested otherwise, the City Recorder will coordinate travel accommodations for Councilors.
2. Budget. The Council will review and discuss its proposed annual budget as coordinated by the Mayor and President of the Council and as presented by City staff during a public meeting.