

RESOLUTION NO. 1227

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

WHEREAS, the Gladstone City Charter Sections 11, 12, and 14 require the City Council to adopt rules to govern its members and proceedings;

WHEREAS, the City Council reviewed and edited the existing rules over multiple meetings and work sessions;

WHEREAS, the City Council held its final discussion on amendments to the existing rules on August 8, 2023 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. 1129, 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 12th day of September, 2023.

ATTEST:



Michael Milch, Mayor



Tami Bannick, City Recorder

**RESOLUTION 1227
EXHIBIT "A"**

**CITY OF GLADSTONE
CITY COUNCIL RULES**

A. AUTHORITY

City Charter Sections 11, 12 and 14 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. As required by the Charter, the Council will review these rules in every odd-numbered year. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters. These rules shall be made available to the public online and at City Hall.

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. Council members may participate and vote in Council meetings via telephone, electronically or by other means consistent with the Oregon Public Meetings Law.
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 be 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.

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.

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. When more than two options are available to the Council in any single vote to address a matter pending before the Council, the Council may, by motion, decide to use preferential voting. If a motion to use preferential voting on any matter pending before the Council is approved, the Council shall vote on the matter using Ranked Choice Voting in a manner substantially the same as the following:
 - i. Council members will rank the options for a given matter by preference.
 - ii. If an option gains an outright majority of first-preference votes (i.e., 50 percent plus one), that option shall be adopted as the decision of the Council.
 - iii. If, on the other hand, no option gains an outright majority of first-preference votes, the option with the fewest first-preference votes is eliminated.
 - iv. All first-preference votes for the failed option are eliminated, and the second-preference votes of the Council members whose first-preference votes were eliminated shall be counted.
 - v. A new tally will be conducted to determine whether any option has gained an outright majority of the adjusted votes (combined remaining first and second-preference votes).
 - vi. The process is repeated until an option wins a majority of votes cast.
 - vii. If there is a tie, the following process will be used:
 - A. If two or more options are tied with the lowest votes received, a tie-breaker tally shall be generated with scenarios where each tied option is individually considered as a remaining option. The scenarios will be used to determine which of the tied options would receive the most votes and which option(s) would receive the least votes when the other tie vote option(s) are eliminated and the next available

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. Identification as an Individual. When an elected official is representing themselves in writing as an individual, they will, to the extent reasonably possible use their title first before their name or take other reasonable steps to ensure that it is clear they are appearing in the written communication as an individual and not on behalf of the Council as a body. For example, the Council member should use Gladstone City Councilor Jackie Jones instead of Jackie Jones, Gladstone City Council.
3. 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. Staff

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. 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 or video recording of all meetings. The City Recorder will maintain custody of all recordings. 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

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 the member 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.

- c. Council members will encourage broad participation on City commissions, boards and committees.
 - d. An individual may not serve on more than two City commissions, boards or committees simultaneously, in order to encourage the broadest possible citizen involvement. Any individual 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, provided that appointive members of the budget committee may not be officers, agents or employees of the City.
 - 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.
3. 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. The process used for and timing of the City Administrator's evaluation shall be in conformance with the City Administrator's contract.
 - a. If the City Administrator's contract does not set forth an evaluation process, the Council shall delegate authority to one of its members to negotiate a process with the City Administrator and make a recommendation to the Council. The Council shall adopt a process that has been agreed upon by the City Administrator. If no process can be agreed upon, then the Council may adopt its own process.
 - b. If the timing of the City Administrator's evaluation is not set forth in the Administrator's contract, the Council may, at its discretion, conduct an evaluation as necessary and in the best interests of the City.