



CITY OF
JOHN DAY

CITY COUNCIL WORKSHOP MEETING AGENDA

Wednesday December 3, 2025

6:00 p.m.

John Day Fire Station

316 S Canyon Blvd, John Day, OR 97845

(541)575-0028 www.cityofjohnday.com

This meeting is open to the public. This agenda includes a list of the principal subjects anticipated to be considered at the meeting. However, the agenda does not limit the ability of the Council to consider additional subjects. Meetings may be canceled without notice. Zoom Meeting participants should use the "raise your hand" feature during these times to alert the moderator that they would like to speak.

Join Zoom Meeting

City of John Day is inviting you to a scheduled Zoom meeting.

<https://zoom.us/j/95867942253?pwd=dHE5c3djSEx4OFBuZndPQU5HMGN3QT09>

Meeting ID: 958 6794 2253

Passcode: 776959

Call to Order: John Day Council Workshop Meeting 6:00 pm.

1. Call John Day City Council Meeting to Order

1. Pledge of Allegiance

2. Roll Call

3. Strategic Plan Update; Themes and outcomes from input; Vision Statement- Jensen Strategies

4. Council Rules and Procedures; Council discussion

a. Is there a specific Rules and Procedures Council would like to use as a base?

b. What specific content from other cities Rules and Procedures would Council like incorporated into John Day's?

5. Adjournment: Next Regular Meeting: December 9, 2025

MODEL

CITY COUNCIL
CHAMBERS



Model Rules of Procedure for Council Meetings

MARCH 2017

Model Rules of Procedure for Council Meetings

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Introduction

In Oregon, many city charters require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made and how council members are to interact with city employees. Although those charters direct the council to create rules, the charters don't provide substance or guidance on how to do so. The purpose of this guide is to provide cities with a starting point in creating their rules of procedure, where required by the city charter, or where a council so desires.

Establishing rules of procedure for council meetings has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council and residents to debate matters of public concern in a courteous and respectful manner that lessens the likelihood of discontent and friction. Third, rules provide guidance to council members on how they are to interact and engage with city employees and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

These model rules are intended to provide a starting point for a city council needing to adopt or update its council rules. Although comprehensive, they are not exhaustive, and council members should work together to identify areas in which rules are needed. Similarly, these model rules are not intended to be the definitive statement on what a council should adopt. City councils have a lot of discretion in determining how to conduct their business—and they should not feel constrained to adopt the rules as presented in this model, but rather to exercise their inherent discretion in crafting a set of rules that match their community's culture, needs and values.

Disclaimer

The League's Model Rules of Procedure for Council Meetings are not a substitute for legal advice. To ensure compliance with federal, state, and any applicable local charters or ordinances, city officials drafting rules of procedure for council meetings are advised to seek the advice of their city attorney.

CHAPTER 1 – General Governance

I. Rules of Procedure.

- A. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, and any subcommittee of a city council, shall be guided by Robert's Rules of Order, 12th Edition.
- B. Members of the council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

II. Quorum. A quorum is required to conduct official city business.

- A. The members of the council are the city councilors and mayor. Fifty-percent plus one of the members of the council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.¹
- D. In the event a quorum is not present, the members of council present shall adjourn the meeting.

III. Presiding Officer.

- A. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.
- B. In the mayor's absence the president of the council [*Mayor Pro-Tem*] shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity
- C. If both the mayor and the president of the council [*Mayor Pro-Tem*] are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
 - 1. The city recorder [*council secretary*] shall call the council to order and call the roll of the members.
 - 2. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.

¹ When drafting a quorum requirement, ensure it complies with the city charter, which should indicate what constitutes a quorum and whether the mayor counts towards the quorum requirement.

3. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

IV. Other Elected and Appointed Officers.²

- A. City Recorder. The city recorder shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.
- B. City Manager [City Administrator]. The city manager [*city administrator*] is required to attend all meetings of the council and is permitted to participate in any discussion; however, the city manager [*city administrator*] has no authority to cast a vote in any decision rendered by the council.
- C. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion, either written or oral, on legal questions.

V. Agendas. The city manager [*city administrator*] shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

- A. Agendas and informational material for meetings shall be distributed to the council at least three (3) days preceding the meeting.
- B. No council approval shall be required for an agenda of any meeting.
- C. The city manager [*city administrator*] may place routine items and items referred by staff on the agenda without council approval or action.
- D. The city manager [*city administrator*] may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under announcements/proclamations.
- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager [*city administrator*] at least one week prior to the meeting.³

² Only those offices provided for by charter or ordinance should appear in this section.

³ As an alternative, the council may wish to vote on whether a councilor's item will be placed on the agenda for a decision or further action.

VI. Order of Business. The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:

1. Call to order.
2. Roll call.
3. Announcements/proclamations.
4. Reports of boards, commissions, committees, elected officials and city employees.
5. Public comment on items on the agenda (other than public hearings).
6. Consent agenda.
7. Items removed from the consent agenda.
8. Ordinances and resolutions.
9. Public hearings.
10. Appointments.
11. Public comment on items not on the agenda.
12. Adjournment.

A. Call to Order. The presiding chair shall call all meetings of the council to order. The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes.

B. Roll Call. The city recorder [*council secretary*] shall conduct a roll call to determine which members of the council are present and which are absent.

1. The attendance shall be properly reflected in the minutes.
2. If roll call determines that a quorum is not present, the meeting shall be adjourned.

C. Announcements/Proclamations. Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Proclamations are awards or recognition of individuals by the council.

D. Reports of Boards, Commissions, Committees, Elected Officials and City Employees. When necessary, reports can be given to the council by boards, commissions committees, elected officials and/or city employees.

1. When appropriate, reports to the council should include written materials which are provided to the council at least three days in advance of the meeting.
2. Oral reports to the council should generally not exceed 10 minutes in length.
3. The council may ask questions of the presenter upon conclusion of the report being given.

E. Public Comment

1. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e) of this section, the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The presiding officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.
2. Persons wishing to speak during public comment must sign the “speaker’s roster” with the person’s name and address and the topic upon which the person wishes to speak, not later than the call to order.
3. Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.
4. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
5. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker’s roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address [or the ward in which they reside]. The presiding officer may allow additional persons to speak if they have not signed the speaker’s roster and sufficient time is left in the 30- minute period.

6. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
 7. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
 8. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.
- F. Consent Agenda. In order to expedite the council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
 2. Any item on the consent agenda may be removed for separate consideration by any member of the council.
 3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.
- G. Ordinances and Resolutions – See Chapter 3
- H. Public Hearings Generally
1. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
 2. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.

3. The city recorder [*council secretary*] shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
4. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address [or identify the ward in which they reside.] All remarks shall be addressed to the council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
 - a. Staff presentation (15 minutes total).
 - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
 - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
 - d. Other interested persons (3 minutes per person).
 - e. Questions of staff (No time limit).
 - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).
6. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.
8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial on the matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding

officer, with the approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony.

9. At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.
 10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder [*council secretary*] at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.
 11. Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.368(1).
- I. Conduct of Hearings on Land Use Matters – See Chapter 4
- J. Written Communications to Council.
1. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet, but shall not be individually itemized on the agenda.
 2. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
 3. The city manager [*city administrator*] may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a

staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

CHAPTER 2 – Meeting Time, Location and Frequency

- I. **Regular meetings.** The council shall meet every _____ evening, with the exception of designated holidays and/or council recesses.
 - A. Meetings shall begin at _____ p.m.
 - B. Meetings shall adjourn at _____ p.m., allowing one-hour increment extensions upon a majority vote of the council.
- II. **Special meetings.** Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager [*city administrator*].
 - A. Notice of the special meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
 - B. Notice of the special meeting shall be given to all members of the council and the city manager [*city administrator*] via telephone and email.
 - C. Special meetings shall be noticed in accordance with Oregon’s public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.
- III. **Emergency meetings.** Emergency meetings may be called by the presiding officer, by the request of three members of council, or by the city manager [*city administrator*].
 - A. Notice of the emergency meeting shall be given to each member of the council, the city manager [*city administrator*], and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
 - B. Notice of the emergency meeting shall be given to all members of council and the city manager [*city administrator*] via telephone and email.
 - C. Emergency meetings are those meetings called with less than 24 hours’ notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
 - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

- IV. Executive Sessions.** Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager [*city administrator*] or by the city attorney.
- A. Only members of the council, the city manager [*city administrator*] and persons specifically invited by the city manager [*city administrator*] or the council shall be allowed to attend executive sessions.
 - B. Representatives of recognized news media⁴ may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
- V. Work Sessions.** Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings.
- A. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
 - B. Work sessions are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session.
 - C. Work sessions are to be scheduled by the city manager [*city administrator*].
 - D. The city manager [*city administrator*] is to invite any relevant staff to work sessions so that the sessions are as productive as possible.
- VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the city, the regular meeting for that week shall be cancelled.
- VII. Council Recess.** The council shall be in recess, at a minimum, during the following dates each calendar year:⁵
- A. August 1 – August 31;
 - B. The Monday before Thanksgiving and the Friday after Thanksgiving; and
 - C. December 15 to January 1.
- VIII. Location.** Council meetings shall be held at city hall.
- A. In the event city hall is not available for a meeting, the council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.

⁴ State law requires governing bodies to allow representatives of recognized news media to attend executive sessions except for labor negotiations and litigation where the news media is a party to the litigation. State law does not define the term news media and a decision whether such an individual should be permitted to attend an executive session must be made on a case by case basis.

⁵ Ensure that any recess is in compliance with the city charter. It is not uncommon for a charter to require that the council meet at least once a month.

- B. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
 - C. Interjurisdictional meetings may be held outside of the city's jurisdictional limits, but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
 - D. No council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.
- IX. Notice.** The city recorder [*council secretary*] shall provide notice of all meetings in accordance with Oregon's public meeting law.
- X. Attendance.** Members of the council shall advise the city manager [*city administrator*] if they will be unable to attend any meetings. Under the charter, a council position becomes vacant if the member of council is absent from the city for more than 30 days without council permission or absent from all meetings of the council within a 60-day period.

CHAPTER 3 – Ordinances and Resolutions⁶

- I. **Ordinances.** All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein.
- A. Numbering. The city recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the ordinance was introduced.
- B. Sponsorship. Each ordinance shall note the name of the member(s) of the council introducing or sponsoring the ordinance.
- C. Preparation and Introduction.
1. All ordinances shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
 2. Ordinances shall be introduced by a member of the council. Except that, upon the request of the council, an ordinance may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such ordinance upon completion of the introduction.
 3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
- D. Calendar of Ordinance.
1. An ordinance is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
 - a. A public hearing on the ordinance be held;
 - b. Refer the ordinance to committee for review and recommendation;
 - c. Refer the ordinance to the city manager [*city administrator*] for further revision;
 - d. Pass the ordinance to a second reading; or
 - e. Reject the ordinance in whole or in part.

⁶ Many city charters prescribe the form and manner in which ordinances are adopted. Although council rules should address the process by which it will adopt resolutions and ordinances, it is important to ensure that the rules comply with the charter. Where the rules and the charter conflict, the charter provision prevails.

2. All ordinances when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all ordinances shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any ordinance at time of second reading, that ordinance shall be removed from the calendar of second reading, and considered separately. Ordinances to be considered separately shall be ready by title only.
5. When the calendar of second reading or an ordinance which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to an ordinance shall be in writing, and may be made by interlineation upon the ordinance.
7. No second reading of any ordinance shall occur at the meeting where it is introduced, except by suspension of this section of the rules, and no ordinance shall be passed at a single meeting, except by a unanimous vote for passage by all members of council present.
8. An affirmative vote of at least three members of the council shall be necessary to pass an ordinance.
9. When an ordinance is rejected by the council, and is not reconsidered as provided by these rules, neither the ordinance, nor any other ordinance which contains substantially the same provisions, shall be considered by the council for a period of not less than six months, unless at least three members of the council petition for early consideration.

II. Resolutions. All resolutions considered by and voted upon by the council shall adhere to the rules outlined herein.

- A. Numbering. The city recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the resolution was introduced.
- B. Sponsorship. Each resolution shall note the name of the member(s) of the council introducing or sponsoring the resolution.

C. Preparation and Introduction.

1. All resolutions shall, before presentation to the council, have been approved by the city attorney, or the city attorney's designee.
2. Resolutions shall be introduced by a member of the council. Except that, upon the request of the council, a resolution may be introduced by the city manager [*city administrator*] or the city attorney, with a member of the council moving further action on such resolution upon completion of the introduction.

D. Calendar of Resolution.

1. A resolution is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
 - a. A public hearing on the resolution be held;
 - b. Pass the resolution to a second reading; or
 - c. Reject the resolution in whole or in part.
2. All resolutions when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all resolutions shall be placed by title and number on a calendar of second reading, and may be passed as a group, provided that the vote for the passage of the calendar is unanimous.
4. Should any member of the council object to any resolution at time of second reading, that resolution shall be removed from the calendar of second reading, and considered separately. Resolutions to be considered separately shall be ready by title only.
5. When the calendar of second reading or a resolution which is to be considered separately is placed before the council for final passage, the city recorder [*council secretary*] shall call the roll and enter the ayes, nays and abstentions in the record.
6. All proposed amendments to a resolution shall be in writing, and may be made by interlineation upon the resolution.
7. A second reading of a resolution is permitted to occur at the meeting where it is introduced, and a resolution may be passed at a single meeting by a unanimous vote for passage by all members of the council present.

8. An affirmative vote of a majority of the council present shall be necessary to pass a resolution.
9. When a resolution is rejected by the council, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the council for a period of not less than three months, unless at least three members of the council petition for early consideration.

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings.

- A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city manager [*city administrator*], planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

II. Quasi-Judicial Land Use Matters.⁷

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo).⁸
- B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications.
 - 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules, and must recuse from participation. The disclosure and recusal must be noted in the minutes.
 - b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed

⁷ LOC highly recommends consulting with your city attorney when developing land use hearing procedures.

⁸ Appeal hearings can be either de novo or on the record. Cities should work with their city attorney to adopt and make relevant procedure for the hearing type adopted.

the evidence, including recordings of the hearing, and declared such fact for the record.

2. Members of the council shall reveal/disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) above.
- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
 2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The city recorder [*council secretary*] shall read the land use hearing disclose statement, which shall include:
 - a. A list of the applicable criteria;
 - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
 2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council

announcing an ex parte contact shall state for the record the nature and content of the contact.

3. Call for recusals. The presiding officer shall inquire whether any member of the council must recuse from participating in the hearing due to a conflict of interest.
 - a. Actual Conflict of Interest: If a member of council announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse from participation and is recorded in the minutes.⁹
 - b. Potential Conflict of Interest: If a member of council announces a potential conflict of interest, that member may continue participation in the matter, and the declared potential conflict is recorded in the minutes.
 - c. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.¹⁰
4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
 - a. Proponent's case. Twenty minutes total.
 - b. Persons in favor. Five minutes per person.
 - c. Persons opposed. Five minutes per person.
 - d. Other interested persons. Five minutes per person.
 - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to

⁹ See ORS 244.020; ORS 244.120.

¹⁰ Consider adding in language requiring Oregon Government Ethics Committee written guidance on how to proceed in this scenario.

any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

7. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
 8. Findings and Order. The council may approve or reject the proposal.
 - a. The council shall adopt findings to support its decision.
 - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. A party can obtain either a continuance or an open record period. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. There is a 120-day time limitation, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation.¹¹

III. Legislative Land Use Matters.

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder shall record in the minutes.
 2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
 3. Presentation of the Case.
 - a. Proponent's case. Twenty minutes total.
 - b. Persons in favor. Five minutes per person.
 - c. Persons opposed. Five minutes per person.
 - d. Other interested persons. Five minutes per person.
 4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
 5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

¹¹ See ORS 227.178.

6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

CHAPTER 5 – Motions, Debate, Public Comment and Voting¹²

- I. Motions.** All motions shall be distinctly worded.
- A. The following rules shall apply to motions:
1. If a motion does not receive a second, it dies.
 2. The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
 3. Any motion shall be reduced to writing if requested by a member of the council.
 4. A motion to amend can be made to a motion that is on the floor and has been seconded.
 5. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
 6. A motion may be withdrawn by the mover at any time without the consent of the council.
 7. Amendments are voted on first, then the main motion if voted on as amended.
 8. A member of the council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
 9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
 - a. A call for the question fails without a majority vote.
 - b. Debate on the main subject resumes if the motion fails.
 10. A motion that receives a tie vote fails.

¹² Many councils adopt Robert's Rules of Order to govern motions and related matters. This model adopts Roberts Rules as a *guide* for procedural matters and sets out a simplified procedure for motions and voting. Under this model, where Robert's Rules conflict with the model rules, the model rules should prevail.

11. The presiding officer shall repeat the motion prior to a vote.
12. A motion to adjourn cannot be amended.
- B. **Motion to Reconsider.** A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
 1. No motion shall be made more than once.
 2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the council.
- II. **Debate.** The following rules shall govern the debate of any item being discussed by the council:
 - A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
 - B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
 - C. The member of the council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.
- III. **Public Comment.** The public shall be entitled to comment on all matters before the council that require a vote.
 - A. Public comment shall occur after the matter up for vote has been presented by city staff and before the council takes any formal action on the matter.
 - B. Each member of the public is entitled to comment on the matter before the council for five minutes.
 - C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the council or city staff.
 - D. Each person desiring to give public comments shall provide the council with his or her name and address prior to giving comment. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
- IV. **Voting.** The following rules shall apply to voting on matters before the council, unless amended in the manner outlined in Chapter 4 of these Rules.¹³

¹³ City charters sometimes contain voting requirements. Any voting requirement must comply with the city charter.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
- B. Consent Agenda. The unanimous vote of all members of the council present is required to approve the matters on a consent agenda.
- C. Resolutions. A majority of quorum shall be required to pass a resolution.
- D. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine shall require a majority of the council to pass.
- E. An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority of a quorum to pass.
- F. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- G. Budget. The budget shall require a majority of a quorum to pass.
- H. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- I. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.
- J. All votes shall be recorded in the minutes.
- K. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
- L. Effective date.
 - 1. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
 - 2. The following shall take effect immediately upon its passage:
 - a. Ordinances making appropriations and the annual tax levy;
 - b. Ordinances relative to local improvements and assessments; and
 - c. Emergency ordinances.

3. All other ordinances shall take effect _____ days¹⁴ after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
4. The filing of a referendum petition shall suspend the effective date of an ordinance.

¹⁴ Ordinarily ordinances go into effect 30 days after passage. Check the city charter for effective date of ordinances.

CHAPTER 6 – Minutes

I. Generally.

- A. All minutes shall be in written form, with an electronic copy of the meeting maintained by the city recorder [*council secretary*] in accordance with the appropriate record retention schedule.
- B. The minutes shall contain the following information:
 - 1. The date, time and place of the meeting;
 - 2. The members present;
 - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - 4. The results of all votes and the vote of each member by name;
 - 5. The substance of any discussion on any matter; and
 - 6. A reference to any document discussed at the meeting

II. Approval. The council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- B. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed.
- C. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

CHAPTER 7 – Appointments

- I. Appointments of City Staff.** The council appoints and can remove those positions identified in the city’s charter. All appointments require a majority vote of the entire council.
 - A. Reviews. Any person appointed by the council shall be subject to an annual review by the council.
 - B. Removals. All appointed persons may be removed by a majority vote of the entire council.
 - C. Interference. If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge’s exercise of judicial authority or discretion.
- II. Appointments of Members to Boards, Commissions and/or Committees.**
 - A. Unless otherwise mandated by state law, the mayor shall appoint the members of any board, commission or committee authorized by the council.
 - B. Unless otherwise prohibited by the council, the mayor shall have the authority to create and appoint subcommittees of committees authorized by the council.
 - C. Removals. All appointed persons may be removed by the mayor.

CHAPTER 8 – Ethics, Decorum, Outside Statements

- I. Ethics.** All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
 - A. Disclosing confidential information.
 - B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
 - C. Expressing an opinion contrary to the official position of the council without so saying.
 - D. Conducting themselves in a manner so as to bring discredit upon the government of the city.
- II. Decorum.**
 - A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.
 - B. Members of the council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
 - C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.
- III. Statements to the Media and Other Organizations**
 - A. Representing City. If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
 - B. Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

CHAPTER 9 – Interactions with Staff & City Attorney

- I. **Staff.** All members of the council shall respect the separation between the council's role and the city's manager's *[city administrator's]* responsibility by:
 - A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager *[city administrator]*.
 - B. Refraining from actions that would undermine the authority of the city manager *[city administrator]* or a department head.
 - C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager *[city administrator]*.
 - 1. Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council.
 - 2. Members of the council shall normally share any information obtained from staff with the entire council. This section is not intended to apply to questions by members of the council acting in their individual capacities rather than as members of the council, nor to questions regarding conflict of interest or similar issues particular to a member of the council.
- II. **City Attorney.** Council members may make requests to the city attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the council.

CHAPTER 10 – Censure *[and Removal]*¹⁵

- I. The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a public reprimand *[or removal as provided for in the city charter]*.
- II. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

¹⁵ Some charters allow the council to remove the mayor or councilor from office for certain enumerated reasons following notice and a public hearing. Absent such a charter provision, it's likely that an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

CHAPTER 11 – Amendment and Repeal

- I. Amendment.** These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
 - A. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
 - B. All amendments to these rules requires a majority vote.
 - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. Repeal.** These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
 - A. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
 - B. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
 - C. Any repeal and replacement of these rules requires a majority vote.
 - D. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.

