

City Council Action Item Cover Sheet

DATE: May 2, 2018

Agenda Item:

Council Rules Update

Question Before Council:

Does the Council want to add language authorizing electronic participation in meetings; phone, skype and similar connection as present and able to vote.

Person/Group Initiating Request:

Council

Item Summary/Background:

As requested the City Manager asked other jurisdictions and many allow for electronics participation through phone, skype and other connections and count members participating by those means present and to vote.

City Council Rules

City of Yachats, Oregon



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2.4.3 Final Decision Prohibited.

No final decision shall be made in executive session. To make a final decision, the Presiding Officer shall either call the meeting into open session or place the decision on the agenda of a future open session.

2.5 Work Session Meetings

Work Session meetings will be held on the ~~Monday-Wednesday~~ prior to the regular ~~Thursday~~ ~~Wednesday~~ City Council meeting. Work Session may also be scheduled as necessary by consensus of the Council. Work ~~session-Session~~ meetings are informal sessions to review upcoming issues, receive special reports, conduct goal setting sessions and for special training purposes.

2.5.1 Subjects For Work Sessions

Review the list of topics to be included on the agenda of the next regular meeting with the following considerations:

- **Staff/Council Discussion.** Provide an opportunity for discussion between staff and Council to analyze an issue and receive direction from Council on how to proceed.
- **Information.** Receive selected information concerning proposed agenda items.
- **Available Data.** Establish if enough information has been submitted for the Body to make informed decisions. If more information is required, notify City staff that additional information is required before the regular meeting.
- **Finalize Agenda.** Set final Agenda for the regular meeting. Allowing for time constraints, determine if an additional meeting will be needed to address all agenda items or if certain items can be carried over to the next month's agenda.

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2.5.2 Limits to Topics For Discussion

The merits of specific topics brought before the body by the public should not be discussed nor any direct action taken until a regularly scheduled meeting.

3 Meeting Procedures

3.1 Presiding Officer and Duties

The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. In the case of the absence of the Mayor and the Council President, the City ~~Administrator-Manager~~ shall call the meeting to order and the Council shall elect a Presiding Officer by majority vote. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council subject to these rules. The Presiding Officer may debate and vote on any issue.

Agenda item ~~"Citizens Concerns"~~Public Comment provides the opportunity for any member of the public to speak on any topic that is not on the meeting agenda. There will be an opportunity to speak on agenda items as the items are announced. Audience members will be recognized by a show of hand, and will come forward to the podium, stating name and address for the record. Audience members are asked to address their comments to the Presiding Officer, avoid personalizing or directing comments to any one or more individuals, try to be succinct and avoid lengthy commentary. Responses from Council members should be made after being recognized by the Presiding Officer.

Any citizen addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer. No citizen shall be allowed to speak more than once upon any one subject until every other citizen choosing to speak has had an opportunity.

After a motion has been made, no citizen shall address the Council without first securing permission from ~~the majority of the three~~ councilors say they can speak.

3.2 Decorum of Meeting.

3.2.1 Improper Conduct

The following items are not condoned by the City Council and may be cause for the Presiding Officer to have the person(s) removed from the Council Chambers:

- Using or making of loud or disruptive language, noise or conduct which obstructs the work or the conducting of the business of the Council.
- Engaging in violent or distracting action.
- Willful injury of furnishings or of the interior of the Council Chambers or other meeting place.
- Refusal to obey any rules of conduct, including the limitations on occupancy and seating capacity.
- Refusal to obey an order of the Presiding Officer or an order issued by a Councilor which has been approved by a majority of the Councilors present.

3.2.2 Removal Action

The Presiding Officer shall warn any person(s) whose conduct is described above before taking action to have such person(s) removed.

3.2.3 Vacating Council Chambers

If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Councilors present may call for a recess until order is restored.

3.2.4 Picture Taking and Filming

Filming in the Council Chambers or other meeting places shall be allowed when permitted by the Presiding Officer.

- [to motion to table an item](#)

3.3.2 Main Motions

For main motions such as requests for action, policy changes, appointments, etc., use the following:

Parliamentary procedure:

After a motion has been made the presiding officer:

- Asks if the motion is understood by the entire Council.
- Invites discussion (from the Council).
- Restates the motion in its final form (the minutes taker can repeat the motion).
- Asks for the affirmative vote followed by the negative vote.
- Announces the result of the voting and adds any necessary information to interpret or to effect the decision.

3.4 Order of Business

The order of business of the City Council shall be as follows:

- Announcements
- Correspondence
- [Citizen's Concerns](#)[Public Comment](#)
- Consent Agenda
- Minutes of the Previous Work Session, Executive and Regular Meeting.
- Bills for Approval
- Resolutions Memorializing Actions Taken by Simple Motion at Previous Meeting
- Resolutions Not Requiring Further Discussion by Council
- Other Actions Not Requiring Further Discussion by Council and Those Actions Outlined in Council Rules
- Reports
- Guests
- Commissions
- City Council
- Public Works Director
- City [Administrator](#)[Manager](#)
- City Attorney
- City Planner
- Public Hearing
- Unfinished Business
- New Business
- Other Business
- From the Council
 - From the Staff

The Mayor or Presiding Officer has authority to adjust the agenda items and order of business.

- Any two Councilors may request that an item be postponed to the following meeting. Further postponement requires a majority vote of the Councilors present.

4.1 Deadline

The deadline for public submission of topics for inclusion on the Agenda of a regularly scheduled Council meeting shall be 12:00 noon, on Wednesday of the calendar week before the meeting for the Council.

4.2 Late Submissions

Items submitted after the deadline may be heard by the Council at their own discretion. Otherwise, they shall be put on the Agenda of the next regularly scheduled meeting. ~~City Managers' goal it to get items published a week prior to meetings.~~

4.3 Packets Available

Packets shall be available for Council members to pick up at City Hall at the end of business hours on Friday of the week before a regularly scheduled meeting. A sample Council packet will be filed intact in the permanent files. Packets shall be available at City Hall and the Library for public review. Copies may be obtained at the current cost. A complete packet will be available for audience review during Council and Commission Meetings.

4.4 Packet Material

4.4.1 Text Exhibits

Packets shall include copies of applications, map locations and any other pertinent, easily reproducible text exhibits

4.4.2 Drawings and Reports

Drawings, reports and other materials difficult or expensive to reproduce will be made available in limited quantity at work sessions or scheduled meetings and will be available for inspection at City Hall during regular business hours.

5 Minutes of the City Council Meetings

5.1 General Format

All official printed minutes of City Meetings shall be fashioned after the minimum as required by State Law with minor additions. Audio tape recordings of entire meetings will be kept on file for more detailed references for a period of two years.

5.2 Contents of Minutes

- **Meeting Particulars.** Minutes shall include the date, time, and place of all meetings.
- **Audio Taping.** Agendas shall indicate that all proceedings are being audio tape recorded for back-up reference.
- **Attendance.** Minutes shall include the names of all members of the governing body and indicate whether they are present or absent.

5.6 Public Access and Copies

Both written minutes and sound recordings (as long as kept) shall be available for public inspection during office hours. Copies of the written minutes shall be available to the public at the currently established price. Sound recordings and a transcriber shall be available to the public for use on City premises. Citizens may use their own storage device to make copies of sound recordings. The City ~~Administrator~~ Manager may implement additional reasonable rules and procedures to assure the preservation of original sound recordings. The City is not required to cause a transcript to be made of Council meetings. Upon a citizen request, however, copies of transcripts made for other purposes shall be made available in the same manner and for the same cost as written minutes.

6 Guidelines and Procedures for City Councilors

6.1 General Conduct

- Councilor should only speak for himself/herself and not for other Councilors, unless authorized to do so by the Council.
- Councilors should avoid personalizing issues; therefore, discussion should be issue-oriented.
- Councilors should not create or infer a change in City policy before, during or after consideration of a particular issue unless the specific issue has been established as policy by vote of the Council.
- During public meetings, Councilors should not attempt to edit or rewrite existing ordinances because of the potential impact on other issues. If changes are necessary, amendments to an ordinance shall be prepared and reintroduced.

6.2 Conflict of Interest

Generally, conflicts of interest arise in situations where a Councilor, 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, an actual conflict of interest is defined as one that would be to the private financial benefit of the councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor 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.

6.3 Legal Advice

Use of the City Attorney's time must be authorized by the Mayor or Council President. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the majority approval of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City ~~Administrator~~ Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City

All public statements, information, or press releases relating to a confidential matter will be handled by staff designated by majority of the Council.

The Council, by vote, may reprimand a member who discloses a confidential matter, or take any other appropriate legal action.

6.6 Expenses and Reimbursement

Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, as established by City policy. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc) must require advance Council approval according to the purchasing rules which apply citywide.

A Councilor who will be traveling on City business may make his or her own reservations for travel and lodging in accordance with City policy. Upon request to the City ~~Administrator~~Manager, travel accommodations for Councilors will be made by City Staff.

The City does not reimburse Councilors for expenses incurred by their spouses.

3. No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address.
4. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by City staff shall be deemed relevant, material and competent unless objected to by any interested party with good cause at the first available opportunity.
5. The presiding officer, members of the deliberating body and, with the approval of the presiding officer, the City Attorney or any other officer or employee of the City may question any person who testifies.

Section 3. Challenge for Bias, etc./Disqualification

1. Any proponent or opponent of a proposal before the deliberating body may challenge the qualification of any member thereof to participate in such hearing and decision. Such challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to a member's bias, prejudice, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.
 - A) Such written challenge must be delivered by personal service to the City Manager and the member whose qualification is challenged not less than 48 hours preceding the time set for public hearing.
 - B) Such challenge shall be incorporated into the record of the hearing.
2. No member shall participate in discussion of the proposal or vote on the proposal when:
 - A) Any of the following has a direct or substantial financial interest in the proposal: The member or spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or
 - B) The member has a direct personal interest in the proposal; or
 - C) For any other reason, the member has determined that he or she cannot participate in the hearing or decision in an impartial manner.
3. Any member owning property, or having an interest in property within the area entitled to receive notice of the public hearing shall declare for the record the nature and extent of such interest. If the member has determined that he or she cannot participate in the hearing or decision in an impartial manner that member shall remove himself or herself from the deliberating body and join the audience and abstain from the vote on the proposal.
4. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give an official opinion to the deliberating body on the proposal without first declaring for the record the nature and extent of such interest.

2. The requested proposal must be supported by proof that:

- A) It conforms to the Comprehensive Plan for the City of Yachats as now or hereafter constituted, and any other special plan for the area involved;
- B) It conforms to all applicable City Charter and other Code requirements;
- C) There is a public need for the proposal;
- D) The public need will be best served by granting the proposal, (if the proposal is for a zone change, proof must be submitted that the public need will be best served by changing the classification of the particular piece of property in question as compared with use of other available property); and
- E) If other areas have been previously designated for use or development submitted in the proposal, there is a necessity for introducing the proposal into an area not previously contemplated and that the property owners there should bear the burden, if any, of introducing that proposal into their area.

3. The following criteria and factors are deemed relevant and material and shall be considered along with other factors deemed relevant by the deliberating body in reaching its decision on a proposal:

- A) Mistake in the original zoning ordinance or Code;
- B) Change of conditions within the immediate neighborhood in which the use or development is proposed;
- C) All factors pertinent to the preservation and promotion of the public health, safety and general welfare, including but not limited to the character of the area involved, its peculiar suitability for particular uses, the conservation of property values and the direction of building development.

Section 6. Order of Procedure. The presiding officer, in the conduct of the hearing shall:

1. **Open the Hearing.** Announce the nature and purpose of the hearing and summarize the rules for conduct of the hearing. Hearings on land use actions shall include a statement that:

- A) Describes the applicable substantive criteria which will be used to review the land use action;
- B) Testimony at the hearing must be directed towards the criteria which will be used to review the land use action, or other criteria in the plan or land use regulations which a party believes to apply to the land use action;
- C) Failure to raise an issue with sufficient specificity to afford the decision makers and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals based on that issue.

2. **Objections to Jurisdiction.** Inquire of the audience whether there are any objections to the jurisdiction of the deliberating body to hear the matter, and if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if an inquiry results in substantial evidence that the deliberating body

the purpose of continued deliberation and shall not allow for additional submission of testimony, except upon decision of the deliberating body.

B) If the deliberating body decides it needs more information, the hearing may be continued to a future date, the time and place of which must then be announced; but shall be within time limits established by Code.

Section 7. Official Notice.

1. The deliberating body may take official notice of the following:

- A) All facts which are judicially noticeable; and
- B) The Charter, Code, resolutions, rules, regulations and official policies (if written) of the City of Yachats.

2. Matters officially noticed need not be established by evidence and may be considered by the deliberating body in the determination of the proposal.

Section 8. Record of Proceedings.

1. The City Administrator or designate, or, if unable to attend, a designee of the presiding officer, shall be present at each hearing and shall cause the proceedings to be recorded. It shall not be necessary to transcribe testimony unless required for judicial review or unless ordered by the deliberating body.

2. The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering the same and whether presented on behalf of proponent or opponent. Unless evidence is capable of being offered and incorporated into the record of the case, it shall not be received. All exhibits received into evidence shall be retained by the City until after any applicable appeal period has expired, at which time the exhibits may be released upon written demand to the person identified thereon.

3. Any member of the public shall have access to the record of the proceedings at reasonable times, places and circumstances. Any members of the public shall be entitled to a copy of the record at their own expense.

Section 9. Publication of Rules.

1. These rules shall be filed with the City Manager.

2. A copy of these rules shall be available at all meetings of the deliberating body at which a public hearing is scheduled. A copy shall be available to the public at a reasonable cost.

3. These rules are supplementary to any rules of procedure previously adopted by the City Council, either by ordinance or resolution, for the conduct of public hearings; provided, however, these rules shall control where there are conflicting provisions.

EXHIBIT B – Mayor, Council & City Manager Duties and Goals

Preamble:

2016-17 TRANSITION OF POSITIONS AND MAYOR; GOALS OF COUNCIL

This memorandum was created to record the multi-layer changes to the operations of the City of Yachats during the fiscal year of 2016-17, when the administrative duties of the Mayor, City Recorder and Public Works Director were moved to a newly-created position of City Manager.

CITY CHARTER PROVISIONS

1. Mayor is the political head of the five-member council (Mayor plus four)
2. Council has legislative, administrative and quasijudicial authority
3. Different audiences dictate leadership roles of mayor/council members
4. Partnership is essential between Mayor and council members
5. Rotate assignments of issues/goals between Mayor, council members
6. Council members may help train future mayors
7. Council members may act as a mentor for new members
8. Mayor, Council President, City Manager work with attorney, engineer
9. Mayor, Council President, City Manager work with planner, insurance
10. Mayor, Council, City Manager, City Clerk III may all sign checks
11. Mayor, Council, City Manager, staff will attend meetings as City needs
12. Mayor, Council, City Manager may monitor committees/commissions
13. Mayor will assign commission/committee seats, as approved by council
14. Mayor, Council represent City in various aspects and authorities
15. Mayor, Council, staff will research, present written reports in meetings
16. Mayor maintains relationships with other governmental entities
17. Mayor participates in meetings with organizations on behalf of City
18. Mayor is encouraged to participate in LOC, OCZMA, OCWCOG
19. Mayor, Council President act as first-line supervisors to City Manager
20. Mayor, Council represent City at social functions, information meetings
21. Mayor, Council maintain phones and/or email to facilitate emergencies
22. Mayor, Council advise City Manager of planned absences, availability

MAYOR - Elected to serve a two-year term

1. Presides over & facilitates meetings
2. Preserves order, enforces council rules
3. Determines order of business, under council rules
4. Has a vote on the council
5. Does not have veto authority
6. Appoints commission/committee members, with consent of council

12. Supervise/responsible for public works programs and facilities; City property
13. Not required to work with public works crew/have CDL/operate equipment
14. Meet with reps of various governmental agencies on problems
15. Confer with all department heads on programs, procedures, issues
16. Supervise all public utilities and properties owned by City
17. Recommend legislation to improve compliance with operations
18. Develop and revise city policies for approval by council
19. Analyze administrative problems, recommends solutions to council
20. Maintain a thorough and up-to-date knowledge of all municipal laws
21. Assist citizens seeking information or making complaints
22. Attempt to dispose of complaints to best advantage of all parties
23. Maintain cooperative working relationship with staff and public
24. Direct and follow all safety rules and procedures for work areas
25. All staff and contractors report to CM, under general supervision
26. Provide ordinance enforcement; may issue citations for Muni Court process
27. Provide for all ordinances to be administered
28. Approve and assign training for all department employees
29. Review approve all overtime accruals and time sheets
30. Annual evaluation of all employees
31. Discipline employees within guidelines of rules and contracts
32. Investigate complaints against persons supervised
33. Periodic review of position descriptions
34. Control, general supervision over employees, appointive officers
35. Employ/supervise/reward/discipline/dismiss any employee, under rules
36. Plan and direct activities of all City departments
37. Analyze, supervise committee functions, commissions, services
38. Develop and organize projects and programs, assist in conclusion
39. Coordinate department work with affected business or agencies
40. Advise public of service interruptions and emergencies
41. Investigate reports and complaints of service failures, resolve
42. Maintain accurate and orderly records of work accomplished
43. Generate or maintain maps, diagrams, correspondence, written reports

Chief Financial Officer

44. Chair Finance Committee and annual CIP process, with input
45. Authorize vendors and all purchases, under guidelines
46. Provide supporting exhibits for comprehensive financial plan
47. Supervise city contracts and operations of all City properties
48. Ensure that all terms of franchises, leases, contracts are fulfilled
49. Maintain knowledge of grant programs available
50. Supervise preparation of grant application, administers all grants
51. Provide administration for grants and contracts
52. Maintain insurance records on all City property; confers with agents
53. Supervise recording of assessment liens and collections