

ORDINANCE NO. 608

**AN ORDINANCE REPEALING CHAPTER 2.08 OF THE
TROUTDALE MUNICIPAL CODE, ADOPTING RULE
FOR THE CITY COUNCIL, AND DECLARING AN EMERGENCY**

The City Council finds as follows:

1. The current rules of the city council were adopted in 1942. These rules are cumbersome and outdated. They do not reflect the current practices of the council.
2. The mayor and the council held extensive work sessions on council rules from September, 1993 to the present. Council rules from other jurisdictions were reviewed. A first draft of new council rules was prepared on November 22, 1993 and a second draft on February 24, 1994.
3. Following work sessions in March and May, the council directed adoption of replacement rules and repeal of the current rules.

Now, therefore, based on these findings,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Chapter 2.08 of the Troutdale Municipal Code entitled "City Council" is repealed.

Section 2. The "Rules of the City Council" attached to and incorporated into this ordinance are adopted. These rules take effect immediately and govern the deliberations of the council at the meeting in which they are adopted and all future deliberations of the council.

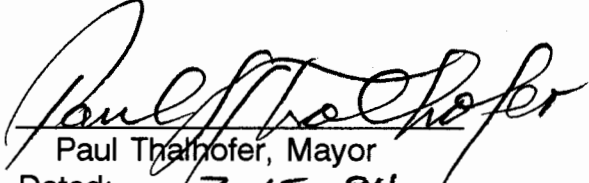
Section 3. The city council ratifies any and all of its prior actions taken under the repealed Chapter 2.08 of the Troutdale Municipal Code which were in technical violation of any of those rules.

Section 4. An amendment of the Rules of the City Council adopted by this ordinance requires the consent of at least four councilors. The rules may be suspended by motion. Any amendment of the rules shall be by ordinance.

Section 5. It is necessary that the Rules of the City Council take effect earlier than thirty (30) days after adoption of this ordinance so that the more clear and complete policies on council deliberations apply to those proceedings immediately. Therefore, an emergency exists and this ordinance takes effect immediately upon its passage by the city council and attestation by the mayor.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 12TH
DAY OF JULY , 1994.

YEAS: 5
NAYS: 0
ABSTAINED: 0


Paul Thalhoffer, Mayor
Dated: 7-15-94

ATTEST:


George Martinez
Deputy City Recorder

CITY OF TROUTDALE
RULES OF THE CITY COUNCIL

1. Time and Place of Council Meetings.

1.1 Regular Council Meetings.

Regular council meetings are on the second and fourth Tuesdays of each month at 7:00 p.m.. Council meetings are held at Troutdale City Hall, 104 SE Kibling Avenue, Troutdale, Oregon or at any other place that the council may direct. The council shall endeavor to adjourn regular and workshop meetings by 10:00 p.m. or as close thereto as possible.

1.2 Special Council Meetings.

The mayor or three councilors may schedule a special meeting of the council by giving notice to each council member at least 24 hours in advance of the meeting. Notice may be given to each council member in person, by messenger, by telephone or telefax, or by electronic communication. No business other than that for which a special meeting is called can be transacted at a special meeting.

1.3 Emergency Council Meetings.

An emergency special meeting of the council may be called by giving not less than two hours notice. The council must declare the nature of the emergency as its first order of business in an emergency meeting.

1.4 Workshop Meetings.

Workshop meetings are usually informal sessions to preview upcoming issues, review programs, interview applicants, or receive information from staff. Workshop meetings are often held on Tuesday evenings when a regular council meeting is not scheduled. Final decisions on issues can be made at workshops when appropriate. Workshop meetings are scheduled by consensus of the council or direction of the mayor.

1.5 Executive Session.

The council may hold executive sessions if consistent with state law. The purpose of an executive session is announced publicly prior to the session. The discussion is limited to the announced purpose. No final action or decision is made at an executive session. Media representatives may attend subject to the understanding that the discussions in executive session

will not be reported. The council may bar from executive sessions any media representative who violates this understanding. Media representatives may be barred from executive sessions concerning labor negotiations.

2. The Conduct of Council Meetings.

2.1 Presiding Officer.

The mayor is the presiding officer of the council. In the mayor's absence from a council meeting the council president presides. In the absence of both the mayor and council president, the council appoints a presiding officer for the meeting. The presiding officer preserves order at council meetings, recognizes speakers and decides all questions of order. The presiding officer shall avoid partisan advocacy of an issue. Any ruling of the presiding officer on a question of order is subject to appeal to the council by any two councilors. A councilor may speak more than once on any such appeal only with permission of the council.

2.2 Councilor Attendance at Meetings.

A councilor shall inform the mayor, city administrator or city recorder if the councilor is unable to attend a council meeting. When necessary a councilor may participate in a council meeting through the use of telephone or other electronic communication.

2.3 The Meeting Agenda.

The mayor and city administrator prepare an agenda for each council meeting giving a brief description of each item to be considered. Items may be placed on the written agenda by the mayor, any councilor, the city administrator, the city attorney or any resident of the city by filing a written request with the city recorder at least 14 days in advance of the meeting. An item may be placed on a council agenda after the agenda is closed and notice published only by permission of the mayor or approval of two-thirds of the councilors present at the meeting. No councilor shall be listed as a proponent or sponsor of an agenda item without the councilor's consent.

2.4 Order of Business.

The order of business at regular council meetings is:

- Opening
- Approval of Minutes and Consent Agenda
- Proclamations, Presentations
- Citizen Comments on Non-Agenda and Consent Agenda Items
- Public Hearings
- Other Items of Business (Adoption of ordinances, resolutions, orders and other measures)

City Administrator and Staff Reports
Items from the Mayor and City Councilors
Adjournment

The mayor with the concurrence of the council, may consider agenda items out of order.

2.5 Citizen Comment.

The citizen comment portion of the meeting is limited to comments on non-agenda and consent agenda items. Remarks shall be limited to five minutes for each speaker unless a different time is allowed by the mayor. The council and mayor should avoid immediate and protracted response to citizen comments.

2.6 Consent Agenda.

In order to make more efficient use of meeting time, all ordinances, resolutions and requests which are routine in nature and not likely to be controversial are placed on the consent agenda. To clarify the consent agenda for people watching the meeting, the mayor reads item titles and explains the items. Any item on the consent agenda may be removed by request of a councilor (made before the adoption of consent agenda motion is made) and placed on the "other items of business" part of the agenda. The consent agenda is adopted by a single motion which is not debatable. If there are dissenting votes, each item on the consent agenda is voted upon separately.

2.7 Public Hearings.

The presiding officer, with permission of the council, may limit the amount of time devoted to public testimony and time allotted for each speaker at a public hearing. These restrictions are announced prior to the start of the public hearing. The council may designate a hearings officer to conduct public hearings.

2.8 Council Meeting Staffing.

The city administrator attends all council meetings unless excused. The city administrator may make recommendations to the council and participate in all council discussions. The city administrator or the administrator's designee acts as the sergeant-at-arms. The city attorney attends all regular council meetings as invited, gives opinions on legal issues and acts as the council's parliamentarian and as interpreter of these rules. The city recorder keeps the minutes and any official journal. Department heads and other staff attend council meetings upon the request of the mayor, or the city administrator. All staff members desiring to address the council must first be recognized by the presiding officer. Staff may respond to questions or comments by the council or members of the public with permission of the presiding officer and in a polite, tactful manner.

2.9 Public Members Addressing the Council.

Any member of the public desiring to address the council must first be recognized by the presiding officer. Before speaking, a person states his or her name and address. Remarks are limited to the question under discussion. Remarks are addressed to the presiding officer and No person speaks more than once on a subject until all others wishing to speak have spoken. No person addresses the council after a motion is made or after a public hearing is closed without permission of the presiding officer.

2.10 Order and Decorum.

The sergeant-at-arms, at the direction of the presiding officer, shall remove any person from the council chambers or meeting hall for the duration of a council meeting because of:

- 2.10.1 Use of unreasonably loud or disruptive language;
- 2.10.2 Making of loud or disruptive noise;
- 2.10.3 Engaging in violent or distracting action;
- 2.10.4 Willful injury of furnishings or of the interior of the council chambers or meeting hall;
- 2.10.5 Refusal to obey any of these council rules; and,
- 2.10.6 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.

Unreasonably loud or disruptive language, noise or conduct is that which obstructs the work of the council. The council recognizes constitutional protection for speech and petitioning and these proscriptions shall be interpreted not to impair any constitutional right. Before removal of any person, the person shall be given a warning to cease the offending conduct. If a meeting is disrupted by members of the audience, the presiding officer or a majority of the councilors present may order that the council chambers or meeting hall be cleared.

No flags, posters, placards, or signs, unless authorized by the presiding officer, may be carried or placed within the council chambers or meeting hall. This restriction does not apply to arm bands, emblems, badges or other articles worn on person clothing, provided these devices do not interfere with the vision or hearing of other persons at the meeting and do not extend from the body in a manner likely to cause injury to another. This restriction is needed to protect the vision, hearing and participation of all members of the public in a council meeting and to protect persons from injury.

3. **Rules of Procedure.**

3.1 General Rule.

The council has an obligation to be clear and simple in its procedures and the

consideration of questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general.

3.2 Voting.

The vote on motions to read or adopt ordinances and resolutions is taken by roll call vote. All other votes may be by calling for "ayes" and "nos." Any councilor may request and obtain a roll call vote on any item. At the conclusion of any vote, the recorder informs the presiding officer of the results of the vote, and the presiding officer announces the vote. A councilor does not explain his or her vote during roll call. Any council member may change the member's vote prior to the next order of business. The council president or appointed presiding officer acting temporarily as mayor may vote in all cases. Every councilor present when a question is put votes for or against the question unless excused by the council or required by law to abstain.

3.3 Council Discussion.

The following general rules govern council discussion and debate:

- 3.3.1 When any councilor is about to speak in debate or deliver any matter to the council the councilor shall respectfully address the presiding officer, and shall confine remarks to the question in debate and avoid personalities.
- 3.3.2 When a motion is made and seconded, no councilor shall speak more than twice on the motion without permission of the council, nor more than once until every member shall have had the opportunity to speak on the motion.
- 3.3.3 During public hearings, councilors are open to the ideas and testimony of citizens and suspend judgment until review of all information and testimony is completed.
- 3.3.4 When an action is deferred, the council specifies what additional information is needed and when an item will be reconsidered.
- 3.3.5 Questions are asked to clarify information rather than to state an opinion. When possible, councilors ask staff questions before a meeting.
- 3.3.6 Councilors are brief and succinct in stating views. Councilors are open, direct and candid in their communications with each other. Councilors should avoid personal attacks.

3.3.7 Remarks are limited to the question at hand. City policy should not be changed during consideration of a specific question. Instead, policy changes should be scheduled separately on a future agenda.

3.3.8 The council does not attempt to edit or rewrite prepared ordinances during public meetings because of the potential impact on other issues. Amendments to ordinances are appropriate .

3.4 Motions.

The following rules govern motions:

3.4.1 A motion is clearly and concisely stated by its mover. The presiding officer states the name of the councilor making the motion and the name of the councilor seconding the motion.

3.4.2 A motion may be withdrawn by the mover at any time without the consent of the council

3.4.3 If a motion does not receive a second, it dies. Nominations, withdrawal of motions, agenda order and point of orders can proceed without a second.

3.4.4 A motion that receives a tie vote fails.

3.4.5 A motion to table is not debatable and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular meeting at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.

3.4.6 A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting or at a specifically identified later meeting.

3.4.7 A motion to postpone indefinitely is debatable and is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote. The object of this motion is not to postpone, but to reject the question without risking a direct vote when the maker of this motion is in doubt as to the outcome of the question.

3.4.8 A motion to call for the question closes debate on the main motion and is not debatable. This motion must receive a second and fails without

a two-thirds' vote of the councilors present. Debate is reopened if the motion fails.

- 3.4.9 A motion to amend can be made to a motion that is on the floor and is seconded. Motions that cannot be amended are: motion to adjourn, agenda order, lay on the table, point of order, reconsideration, and take from the table. A motion to amend an amendment is not in order. Amendments are voted upon first, and then the main motion as amended.
- 3.4.10 Council discusses a motion only after it has been moved and seconded. The motion maker, presiding officer or recorder repeats the motion prior to any vote.
- 3.4.11 When a question has been decided, any councilor who voted on the prevailing side may move for reconsideration at the same or next meeting. Once a matter has been reconsidered, no motion for further reconsideration is in order without unanimous consent of the council.
- 3.4.12 All cases not provided for in these rules are governed by *Roberts Rules of Order (Revised)*.

4. Council Protocols.

4.1 Confidential Information.

Councilors will keep secret the content of materials which are confidential under law. No mention of confidential information read or heard should be made to anyone other than other councilors, the mayor, the city administrator or the city attorney.

4.2 Executive Sessions.

If the council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations (e.g., property acquisition or disposal, existing or likely litigation, employee negotiations), contact with the opposing party is by the designated representative handling the negotiations. A councilor does not contact or discuss the negotiations with the other party or the party's representative or communicate to anyone the substance of discussions held in executive session.

4.3 Relationship with Staff.

- 4.3.1 A councilor who desires major policy or ordinance research from the city attorney, should obtain approval from the council or mayor before requesting the services. A councilor who desires research or substantial

compilation of information by a staff member should obtain approval of the mayor or city administrator. Any written informational material requested by a councilor or the mayor is distributed to the entire council with a notation indicating which council member requested the information.

4.3.2 Mayor and council requests for information can be made directly to staff. If the request would create a change in work assignments for any staff member, the request must be made to the city administrator.

4.3.3 All written informational material requested by individual councilors or the mayor will be submitted by staff to the entire council with a notation indicating which councilor requested the information.

4.3.4 Mayor and councilors will not attempt to coerce or influence staff in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of city licenses and permits.

4.3.5 Mayor and councilors will not attempt to change or interfere with the operating rules and practices of any city department. The city administrator will designate the necessary staff to conduct business for the councilors, including handling correspondence, arranging appointments, and making travel arrangements.

4.4 Public Communications by Council Members.

Council members note whether they speak for themselves or for the council in written and oral communications to other officials, the public and the news media.

4.5 Council Expenses.

The council follows the rules and procedures for reimbursement of incurred expenses applicable to city employees.

4.6 Relationship with Committees and Commissions.

Councilors have the right to attend meetings of city committees, commissions and task forces, but should not become involved in discussions of those groups unless they are liaison members of those bodies.

4.7 Evaluation of City Administrator.

The council periodically evaluates the performance of the city administrator and the city attorney. The standards and evaluation form used in these processes are adopted at a regular council meeting. All council members participate in furnishing written evaluations of the administrator. The council may authorize the mayor or a council subcommittee to meet with the administrator to summarize the evaluations. The mayor or the subcommittee may make recommendations to the council. If the council conducts an evaluation session, the administrator decides whether the session is open or closed to the public. The administrator has the right to respond to comments made during the session. Following an evaluation session, the council and mayor may take appropriate action, including amendments to the employment agreement and termination of employment.

5. Amendment and Suspension of Rules.

5.1 Suspension.

Any provision of these rules not governed by state law, city charter or city code may be suspended temporarily by an affirmative vote of four councilors.

5.2 Amendment.

These rules may be amended or new rules adopted by an affirmative vote of four councilors.

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