

RESOLUTION NO. 2594

A Resolution of the City Commission of the City of Warrenton, Oregon, Adopting Rules of Procedure and
Repealing any other Resolutions in Conflict

Whereas, the City of Warrenton, Oregon, (hereinafter the "City") is committed to the principles of good governance; and

Whereas, the City recognizes the value of adopting rules to provide clear, transparent, and comprehensive rules of procedure for efficient administration of legislative matters:

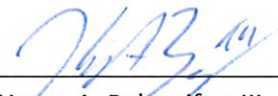
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WARRENTON:

Section 1. The Warrenton City Rules of Procedure, for the fair and efficient conduct of business by the City Commission and all its subsidiary boards, commissions, committees, and task forces, is hereby adopted as presented in Exhibit A.

Section 2. Any Resolution in Conflict with this resolution are hereby repealed.

Section 3. This Resolution is effective immediately upon its passage.

Adopted by the Warrenton City Commission this 9th day of March 2021.


Henry A. Balensifer, III
Mayor

ATTEST:


Dawne Shaw, CMC
City Recorder

Exhibit A



Warrenton City Rules of Procedure 1st Edition

Adopted March 9, 2021

Resolution 2594

Chapter 1 – General Principles

I. Purpose

The Purpose of this document is to provide a standardized manual for the fair and efficient conduct of business by the City Commission and all its subsidiary boards, commissions, committees and task forces.

II. Rationale

The City of Warrenton utilizes a council-manager form of government. This form of government utilizes residents who volunteer by election to serve on the City Commission. The City Commission in turn appoints additional volunteers to its subsidiary boards. Volunteers come to the city with varying degrees of time availability and knowledge of parliamentary procedure. Before this manual, the City of Warrenton had no official parliamentary manual but relied on a heavily modified form of Robert's Rules of Order which was carried down by observation and contained some idiosyncrasies based on the presiding officer's prior experience and traditions set forth by prior presiding officers. Since *Robert's Rules of Order Newly Revised 11th Edition* is over 700 pages and uses arcane language, it is necessary to ensure that the common citizen be able to quickly and easily read, comprehend, and become adept in parliamentary procedure. This manual aims to provide such a solution.

III. Procedures or Situations Not Covered/Controlling Rules

If the need or call for a specialty procedure not covered in this manual arises, *Robert's Rules of Order Newly Revised 11th Edition* shall control.

1. This manual is the primary procedural manual. Robert's Rules of Order may only be used when a situation not covered under this manual arises.
2. All members are discouraged from invoking the finer points of parliamentary procedure when such points will obscure the issues before the commission and confuse members of the board or public.
 - i. Any abuses may be ruled out of order by the presiding officer if a simpler procedure may be used to accomplish the same thing, or if procedure is being abused to stall or confuse an issue.

IV. Principles of this Manual

- A. This manual should cover the vast majority of issues that will come before the City Commission. For the purposes of this manual, any requirement or reference to a "board" is to mean any city board elected or appointed in general. If a specific board is noted, that procedure is solely for the named board.
- B. Principles for all board members (which includes the chair)
 1. All members must vote unless barred by rule or law, or excused by the majority from doing so.

2. All members present shall be counted towards a quorum.
 3. The majority must be allowed to rule.
 4. The minority have rights that must be respected.
 5. Members have a right to information needed to make decisions.¹
 - a. Members have a right to expect all members are prepared and have fully read the meeting packet and relevant materials.
 6. Courtesy and respect are required.
 7. Members have a right to an efficient meeting. Dilatory motions will not be entertained.
 8. All members have a right to speak at least once before every vote of the board.
- C. Principles for presiding officers
1. The presiding officer has the responsibility to be the most prepared and timely of all members.
 2. The presiding officer must be strict on procedure to ensure fairness and consistency for the board, participants, and public.
 3. The presiding officer is not solely responsible for the decision the governing or advisory body makes.
 4. The presiding officer must balance the emotional and procedural aspects of each meeting.
 - a. The presiding officer must keep their own ego and emotions in check to facilitate a fair meeting.
 5. The presiding officer has wide latitude in deciding how to run a meeting and should balance that authority with respect for time, good order, and the rights of participants.

V. Official Parliamentarian

All elected and appointed boards comprise of citizen volunteers with varying degrees of experience with procedure. This manual accounts for certain enumerated local customs and practicalities that override normal parliamentary procedure. To ensure there is a person on each board responsible for being familiar with procedure, the official parliamentarian for each board shall first be the chairperson, and second (when the chair is unable to answer a question of or fails to follow proper procedure) the staff member assigned to the board. Ergo the policy of the city is to ensure all chairpersons and their supporting staff receive presiding officer training within the first 6 months of their appointment, or election.

¹ This is not unlimited; the right to information can be abused to intentionally delay commission action or satisfy personal interests beyond the scope or normal legislative duties. The Staff have a right to request full commission direction before engaging in major deviations from day-to-day duties or workloads. See the Warrenton City Commission Rules for more.

VI. Staff Participation in Meetings

Staff provide professional support to boards in the City. They cannot make motions, nor vote during public meetings of the City Commission or its subsidiary boards unless authorized by law, but they have certain rights to participate as enumerated below. These rights may be expanded by authorizing law, resolution, or as allowed by the presiding officer or board policy, but shall not be less than the following:

A. City Commission Meetings

1. The City Commission should not meet without staff.
 - a. Staff is defined as any professional support person under contract or employment of the city.
 - b. The only exception is:
 - During a catastrophic emergency that requires prompt action and staff is unavailable. This should be done per the adopted emergency operations plan.
2. The City Manager and City Attorney have full rights to participate in meeting discussions as non-voting members of the Commission, as well as raise points of order.²
 - If the Commission wishes to take legal action against or terminate the City Manager they may meet with the City Attorney to discuss the matter without the City Manager, but must meet public notice requirements for an executive session.
 - The City Manager nor City Attorney may be excluded from participating while they are in attendance.
3. The City Recorder or whomever is taking minutes may raise points of order related to procedure or to apprise the presiding officer of any legal requirements of a hearing or passage of an ordinance, or to clarify points for the record.

B. Planning Commission Meetings

1. Due to the legal nature of most of its proceedings, the Community Development Director and City Attorney have full rights to participate in discussions, as well as raise points of order.
 - a. To ensure legal compliance during quasi-judicial decisions, the City Attorney may, if they determine a violation of law or process would occur³, declare a motion improper and out of order, overriding any determination the chairperson makes on that particular point.
2. The staff member taking minutes may raise points of order or request clarification for the record.
3. Staff members presenting to the Planning Commission have a right to present their full report, to clarify items, and answer questions freely.

² Warrenton City Charter Chapter V, §20 d

³ E.g. if the Planning Commission were to move to grant a variance to an applicant when no such application has been filed, nor has a variance been noticed.

C. Budget Committee

1. The City Manager, City Attorney, and Finance Director may participate fully in discussions as well as call other staff to report on specific budgetary matters.

D. Advisory Committees

1. The assigned department head or their designee to represent the department may participate as necessary and deemed appropriate per the bylaws or charter of the board, or as comfortable with the chairperson.
2. The staff member taking minutes may raise points of order or request clarification for the record.
3. Staff should avoid lobbying or attempting to steer committee members one way or another in regard to policy recommendations. However, staff may answer questions or provide information related to existing budgets or projected budgets and other operational information.
4. Staff shall have the opportunity to make their concerns, objections, or support known when the recommendation is reviewed by the commission.

E. Task Forces

1. If the City Manager has assigned staff to a Task Force, specified staff may participate as the chairperson and/or Tasking Statement allow.

F. Ex Officio Status in All Meetings

1. The City Manager and City Attorney shall be considered and have the right to attend and participate as ex officio members of all city boards unless otherwise excluded for legal reasons.
2. To ensure the legal and proper conduct of business, the City Manager, City Attorney and City Recorder have the right to raise points of order or request clarification for the record in any and all City meetings where they are not explicitly barred from attending.

G. Town Halls and Other Constituent Meetings

1. The City Manager & Mayor shall attend official town halls.
 - a. Official is defined as sanctioned or approved by the City Commission
2. Staff participation in town halls not sanctioned by the City Commission shall be contingent upon the City Manager's approval.
3. The City Manager and other staff are not required to attend constituent meetings such as Mayor's Coffee or other informal gatherings at city hall meant to engage and educate the public. The City Manager's presence is encouraged as they are able, but shall be optional as the day-to-day operations of the city allows.

VII. Reading List

All elected and appointed board members shall be provided a copy of this manual as minimum required reading. However, for board chairpersons it is encouraged they read at least one, if not both of the following books on parliamentary procedure.

- *Mastering Council Meetings* by Ann G. Macfarlane and Andrew L. Esteb (151 pages)
- *Roberts Rules of Order Newly Revised (11th edition)* by Henry M. M Robert III, Daniel H. Honemann, and Thomas J. Balch (716 pages)

Chapter 2 – General Governance

I. Quorum

- A. A quorum is required to conduct official city business. Unless otherwise stated in law, resolution, or tasking statement, a quorum shall be determined to exist when a simple majority of the elected or appointed members are present.⁴
- B. In the event a quorum is not present, the presiding officer, or the members present shall:
 - a. Adjourn the meeting
 - b. Attempt to call absent members to determine their ability to participate
 - c. Vote as a minority to compel the attendance of absent members⁵
 - i. This option is solely available to the city commission

II. City Commission

- A. Commissioners, including the Mayor, shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Commissioners should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Commissioners should do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, creed, national origin, sex, gender identification, social station, or economic position.

III. Presiding Officer

- A. The presiding officer of the City Commission shall be the Mayor, or in their absence whoever is next in the line of succession that is present.⁶
- B. The presiding officer of any non-elected board shall be whomever is the chairperson or whomever is the vice-chairperson.
- C. During meetings, the presiding officer shall have the authority to:
 - a. Preserve order
 - b. Enforce these rules of procedure
 - c. Determine the order of business under these rules of procedure
 - d. Rule on matters such as points of order, questions of privilege, and whether or not items are in order
 - e. Question or request clarity regarding motions by members
 - f. Convene and adjourn the meeting

⁴ Warrenton City Charter Chapter IV, § 14 & 18

⁵ Warrenton City Charter Chapter IV, § 14

⁶ Warrenton City Charter Chapter IV, § 17

IV. Meetings

- A. All meetings shall comply with Oregon Public Meetings Laws.
- B. The normal time for city commission meetings shall be set by resolution, but may be different for special or emergency meetings as needed or set by the Mayor or City Manager, or if the commission decides to change the meeting time.
- C. Appointed boards shall have a regular meeting time set to be convenient to its members, and have the authority to change the times with adequate notice to the City Recorder.
- D. Work sessions shall be scheduled by the City Manager independently or at the request of the Mayor or City Commission.
 - a. Votes may not be taken during work sessions.
- E. Special & Emergency Meetings
 - a. The Mayor upon their own motion may, or at the request of three commissioners shall, by giving notice to all members of the city commission, call a special meeting with 24 hours notice.⁷
 - i. During an exigency where the Mayor is out of town and unable to be reached, the next commissioner in the line of succession may call an emergency meeting after consulting with the City Manager or as allowed by the City's adopted emergency operations plan.

V. Agenda

- A. The Agendas for regular meetings and work sessions shall be prepared by staff without commission approval.
- B. The Mayor may add items to the agenda prior to its publishing, or have specific ones postponed, but may not postpone items indefinitely nor postpone or remove items that are time sensitive or legal in nature such as (but not limited to) land use appeals and contracts.
 - a. Commissioners wishing to add items should consult the City Manager or Mayor.
 - b. Members wishing to add an item after an agenda is published should make a request to the Mayor.
- C. All items requested for addition to the agenda after the agenda is published shall be added via unanimous consent at the beginning of the meeting.
- D. The normal order of business for a regular commission meeting shall be set by resolution. Currently it is as follows:
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Consent Calendar
 - a. This is for items considered perfunctory. All items within this consent calendar may be collectively approved with one vote and without debate.
 - b. Board members are expected to have read and suggested corrections, if any, to the consent calendar prior to the meeting. Suggested corrections submitted prior to the meeting will be presented to the board by the City

⁷ Warrenton City Charter Chapter IV, § 13 with section omitted to comply with ORS 192.640(3).

Recorder or responsible staff member immediately after the agenda item is announced.

- d. Commissioner Reports
 - a. This is for Commissioners to report on their activities, meetings, and engagements conducted at the behest of the commission. Typically this has either written or oral reports about the materially important matters discussed or decided at meetings of boards to which the member is appointed to represent the city on. It may include reports on items of interest learned at league of Oregon Cities trainings or seminars of benefit to the Commission as a whole.
 - b. This is also an appropriate time for commissioners to request commission consensus or direction related to any decision before the board they are appointed to represent the city on, which requires a clarification or position of policy of the city commission.
- e. Public Comment
 - a. This is for general public comment and not for comments related to public hearings.
- f. Public Hearings
 - a. This is for public hearings including formal appeals to the City Commission such as, but not limited to, nuisance determinations or land use decisions.
 - b. Often hearings have a separate public comment period described as public testimony.
- g. Business Items
 - a. For items that will be decided with finality, such as a resolution or ordinance that will require formal votes.
 - b. For items where formal votes must be taken or commission action is required beyond discussion.
- h. Discussion Items
 - a. For items that are not fully developed to be ready or organized for a vote.
 - b. To discuss items that staff, commissioners or board members request.
 - c. For providing direction to staff for the development of policies.
 - d. Any other item the commission wishes to discuss but not take action on.
- i. Good of the Order/Remonstrances
 - a. This is the time for commissioners to state whatever is on their mind but not on the agenda such as ideas or proposals to the commission, recognition of persons or events, opining on recent events as individual commissioners, or any general matter not on the agenda.
 - b. Members should take no longer than 5 minutes, however this portion is not generally timed and is customarily approximated by the presiding officer.
- j. Executive Session
 - a. For any and all valid reasons for which staff or the commission wish to meet, and which are legally valid under ORS 192.660
 - b. No votes may be made in Executive Session.
- k. Adjournment

- E. All appointed boards are encouraged to adapt the aforementioned order of business to meet their needs. At a minimum, all city board regular meetings shall have:
- a. Agenda
 - Call to Order
 - Approval of Minutes/Consent Calendar
 - Reports
 - Public Comment
 - Business Items
 - Discussion Items
 - Adjournment
 - b. This does not apply to work sessions or special meetings. Those meetings shall have agendas as appropriate to the subject and purpose of the meeting.
- F. The City Manager shall prepare an agenda for regular city commission meetings, and as necessary, for special meetings of the city commission in consultation with the Mayor.
- a. The City Manager may place routine items and items referred by staff on the agenda.
 - b. The City Manager should take reasonable steps to ensure the agenda and informational material for regular commission meetings are distributed to the commission at least 5 full days prior to the meeting.
 - i. Customarily meeting materials are made available by the end of day Wednesday prior to the regular meeting.
 - c. The City Manager is permitted to make additions, corrections, or adjustments to the agenda prior to the meeting, and with the presiding officer's consent—immediately after the meeting has been convened.
 - d. The City Manager may remove any items on the agenda at any time prior to the meeting by apprising the Mayor or presiding officer, who shall announce the change at the beginning of the meeting.
- G. The presiding officer may, at the start of the meeting, change the order in which certain agenda items are considered with unanimous consent.
- H. The City Manager designates specific staff to support appointed boards and reserves the right to withhold staff from non-statutory boards should there be a need to preserve day-to-day operations.
- a. Staff shall prepare the agenda for all statutory board meetings.
 - b. Board chairpersons or the designated staff support shall prepare the agenda for all non-statutory boards to which they are assigned.
 - c. Task force chairpersons may prepare their own agendas. If the task force has designated support staff, the chairperson may delegate the agenda development to them. Chairpersons must consult staff on agenda development.

VI. Conduct

A. Technology

- a. All members of the board, staff and public shall silence or turn off their phones or any other technology which has the likelihood of disrupting the meeting.

- i. If a board or staff member anticipates the need to step out to take an unavoidable call, they must apprise the presiding officer of this, as well as place their phone on vibrate or whatever mode that enables the member to be alerted without undue disruption to the meeting.
 - ii. This does not apply to first responders who have pagers or radios which they must monitor.
- B. Debate, Testimony and Comment
 - a. Public Testimony & Comment
 - i. The public shall fill out a public comment card for general public comment and a public testimony card for public hearings in which they wish to have standing in the proceeding.
 - ii. The presiding officer shall have the right to limit the length of testimony/comment, or combine testimonies/comments (ensuring the record reflects the number of individual testimonies being combined) that are the same. See Section 7 for more detail.
 - iii. Direct discussion, questions or any engagement between the audience or speakers and the board shall be at the discretion of the presiding officer.
 - b. Debate/Discussion
 - i. The presiding officer shall ensure persons recognized are able to speak/present uninterrupted as these rules allow.
 - ii. The presiding officer, or by a vote of the majority of members, may place a limit on the time each member has to speak on an issue.
 - 1. Limits must be fairly applied to all members unless a member is the presenter/speaker on an agenda item.
 - 2. It is customary for a speaker to not exceed 5 minutes in making statements or updates.
- C. Presiding Officer
 - a. The presiding officer shall, at all times, be an example for decorum and behavior.
 - b. The presiding officer shall be the sole person to recognize members for speaking, preserve decorum, and decide all points of order—subject to appeal by the Commission or board.
 - c. The presiding officer may allow communications concerning items on the agenda or other commission business to be entered into the record of proceedings or hearing record.
 - d. The presiding officer shall have discretion in the application of these rules to ensure a smooth and efficient meeting unless the board votes for stricter application or suspension of the rules.
- D. Legitimate Orders
 - a. A legitimate order is one that follows this manual of procedure.
 - b. An order that skips or bypasses proper procedure is illegitimate until proper procedure cures the breach of process, or otherwise is disposed of by the majority of the commission.
- E. Members

- a. Members of the board shall assist in preserving order during meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey legitimate orders of the presiding officer or City Commission adopted rules.
- b. Members shall, when addressing staff or the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

F. Staff

- a. All city staff and officers shall observe the same rules of conduct as members of the board and shall address the presiding officer by their appropriate title (Mayor or Chair + last name).

G. Public

- a. Members of the public in attendance shall: refrain from booing, hissing, clapping, prolonged gesticulating, speaking to the commission out of turn, or making any sort of disturbance that interrupts or distracts from the conduct of business by the board or its members.
- b. Members of the public shall refrain from making phone calls, or conversing amongst themselves in a manner that disrupts or distracts the board and/or other members of the public at the meeting.

VII. The Public

A. Rights

- a. The public shall have a right under these rules, during regular meetings, to address the board at a time appropriately set and for a duration determined by the presiding officer for public comment.
 - i. Note: Oregon law provides no right to public comment, except in public hearings. Oregon law ensures a right of the public to observe public meetings provided they are not disruptive to the proceedings.
 - ii. The time limit on public testimony/comment shall be no less than 1 minute per person and the standard at 3 minutes per person.

B. Concerns or Issues

- a. The city serves the public as a whole. The Commission sets policy and the staff executes those policies and delivers those services to the public. Outside of public meetings where an issue is taken up by the Commission, the chain of command shall be respected by City Commissioners at all times as it pertains to matters which staff are charged to execute.
- b. The Chain of Command for a complaint by employees or constituents with administrative or operational concerns shall be:
 - i. The supervisor or department head, unless that person was the one interacting with the complainant; then
 - ii. The City Manager, then
 - iii. The City Commission

- c. Per the Warrenton City Charter, City Commissioners shall, when approached by constituents about issues, administrative functions or decisions, or anything executed by staff, refer the matter first to the City Manager, unless the issue is about the City Manager directly—at which point refer it to the Mayor or City Attorney.
- d. Unless an applicant or appellant in a public hearing, the public does not have a right to participate in the meeting beyond making their statement or submitting something for the record.
 - i. The public, with the exception of executive sessions, has a right to observe all meetings by remote or in person attendance.
- e. The Commission reserves the right to not respond to the person making a comment or query at the meeting until such time as they can confer with staff or direct staff to answer the question after becoming fully informed on the matter.
 - i. This is to ensure the Commission is enabled to make fully informed decisions, to consult with legal, to determine if a decision would violate existing policy or city law, and/or to ensure the Commission does not expose itself to legal issues through uninformed statements or assumed guarantees.

C. Legal threats

- a. It is the policy of the City of Warrenton that whenever a party insinuates, threatens, or has filed a lawsuit, the commission and staff (except the City Manager and/or City Recorder in concert with the City Attorney) shall:
 - i. Inform the party that due to pending litigation or litigation suggested as likely to be filed, they are not allowed to engage in any discussion on any subject that is or related to the issue potentially or actively being litigated. If there is a question, it may be referred to the appropriate staff member.
 - ii. Not engage in further unnecessary contact with that party until the issue is decided.
 - iii. Inform the City Manager of any and all contacts by such parties.
- b. Staff may be in contact with potential or active plaintiffs in the discharge of their duties such as making payments, submitting records requests, and the issuance of permits. Due to this, staff may be exempted from subparagraph (i) as needed to carry out their duties.

VIII. Removal from Meetings/Boards

- A. Removal is a serious action taken only when necessary.
- B. Removal must be specific to the meeting which the offense requiring removal occurs. Trespassing a person from a public meeting may not occur longer than that day, or as limited or extended as the City Attorney determines is legal.
- C. Any officer of the Warrenton Police Department is considered a Sergeant-At-Arms of the City Commission and shall enforce the lawful orders of the presiding officer, or votes of the City Commission.

- D. Any person who actually impedes the orderly conduct of any meeting, may be removed from a meeting at the direction of the presiding officer, or by vote of the board.
 - a. When in doubt, consult the City Attorney.
 - b. The offender(s) shall leave immediately upon being ordered.
 - c. If the offender(s) does not leave, the Sergeant-At-Arms shall trespass the offending individual.
 - d. If the offender(s) does not leave, and no Sergeant-At-Arms is available or nearby, the presiding officer shall either recess the meeting until such time as they can be removed or adjourn the meeting.
- E. Any member of a board, except the City Commission, whose conduct significantly disrupts the orderly conduct of business, or who has made threats or become a danger to others may be trespassed from that meeting upon the order of the presiding officer or vote of the majority of the members.
 - a. If such an action is taken, a report must be promptly submitted to the City Manager and forwarded to the City Commission for review and potential remediating action.
- F. Whenever practicable, the presiding officer or majority of the board shall give a warning to the offender.
- G. A warning is not necessary when it would not be effective under the circumstances or when the conduct of the person constitutes an immediate threat to any person's safety.

Chapter 3 – Parliamentary Procedure

I. Format

- A. The format of this manual shall be to state the rule and, when applicable, the appropriate action or statement to invoke that rule or to provide an example of what could be said.
 - a. An action/statement or examples are denoted in quotations.
- B. When a “board” is mentioned it pertains to all elected and appointed board within the City of Warrenton’s jurisdiction.

II. Formal Rules and Informal Rules

C. Formal Rules

- a. Unless otherwise noted, formal rules of procedure as explained in this manual shall be the default method by which the City Commission shall conduct its regular and special meetings and a decision to invoke them shall not be appealable.
- b. If informal rules have been invoked, formal rules may be re-instituted at any time by the presiding officer announcing “We shall now be under formal rules.”
 - i. If a particular member requests formal rules to be invoked, it is customary for the mayor to grant that request.
 - ii. The Commission may impose formal rules on any portion or all of the meeting by voting on a motion to invoke formal rules. “Mr. Mayor, I move the commission conducts the remainder (or item x) under formal rules.”
- c. The following portions of the agenda shall always be held under formal rules:
 - i. Public hearings
- d. The following portions of the agenda should be held under formal rules:
 - i. Business items
 - ii. Commissioner Reports

D. Informal Rules

- a. Informal rules relax the requirement for recognition before speaking and rigid control of debate or discussion by the presiding officer.
- b. It also allows board members and staff to speak freely without rigid regulation of time and frequency by the presiding officer.
- c. The presiding officer remains in control of the meeting and may interject to ensure a member or staff is heard, and curb repetitive statements or bad behavior.
- d. The presiding officer alone has the discretion to invoke informal rules of procedure for the meeting.
- e. Informal rules should be invoked at the call to order. “I call this meeting to order under informal rules.”
 - i. If not invoked at the call to order, it may be invoked at a different time, such as during the discussion portion of the agenda or an executive session.
- f. Informal rules do not abrogate any rights or privileges granted by this manual to anyone.

III. Presiding Officer Role

- A. It is the presiding officer's role to:
 - a. Open the meeting
 - b. Announce the next activity/item
 - c. Recognize members and speakers
 - d. State questions and put them to a vote
 - e. Refuse to recognize dilatory or out of order motions
 - f. Enforce order and decorum
 - g. Expedite business
 - h. Decide all questions of order
 - i. Respond to inquiries
 - j. Authenticate documents of the board by signing them
 - k. Close the meeting

IV. Presiding Officer Scripts

The presiding officer should conduct the meeting by stating the following during the following portions of the meeting:

- A. CALL TO ORDER: Tap the gavel and announce: "I will call this meeting to order"
- B. PLEDGE OF ALLEGIANCE: Call to members and attendees to the pledge by stating: "All Rise for the Pledge of Allegiance," stand and begin the pledge.
 - a. The presiding officer shall take their seat after the pledge concludes, and if any persons continue to stand, should state "you may be seated."
- C. CONSENT CALENDAR: Announce "Consent Calendar. Is there a motion to amend or approve?"
 - a. Commissioners may seek recognition to amend the minutes, request amendments to the agenda, or ask questions related to issues on the calendar.
- D. COMMISSIONER REPORTS: Announce "Commissioner Reports. This is the time for commissioners to report on their activities representing the city."
 - a. Ask commissioners individually if they have any reports.
- E. PUBLIC COMMENT: Announce: "This is the time for public comment, anyone wishing to address the City Commission concerning items of interest may do so provided they have submitted a public comment card to the city recorder. Please confine all remarks to the whole City Commission and limit your testimony to 3 minutes per person. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter."
 - a. Prior to announcing this portion of the meeting, the presiding officer should sort the comment cards by category of purpose and call the persons to the lectern.
- F. PUBLIC HEARINGS: Announce: "We will now begin with public hearings."
 - a. Read the script provided by staff for the public hearing, or refer to Appendix C or F of this manual.
- G. BUSINESS ITEMS: Announce: "We will now move on to Business Items."

- a. State the first business item at which time the responsible staff member will come forward and be recognized by the presiding officer to introduce the item.
 - i. If a board member is introducing it, the presiding officer shall recognize the respective member (unless it is the presiding officer's item).
- H. DISCUSSION ITEMS: Announce: "We will now move on to Discussion Items."
 - a. All the same guidance for Business Items applies
- I. GOOD OF THE ORDER: Announce: "Good of the Order"
 - a. Recognize commissioners individually to speak
- J. EXECUTIVE SESSION: Announce: "We will now move into Executive Session, will the public, visitors, and non-invited staff please clear the chambers."
 - a. Hammer the gavel and read the specific script provided by staff (see Appendix D)
 - b. After the executive session concludes, announce: "We will now move out of executive session and resume the regular meeting. Staff shall open the chamber."
- K. ADJOURNMENT: Announce: "There be no further business, we stand adjourned."
 - a. After announcing the adjournment, it is customary to tap the gavel to give finality to the order.

V. Gavel Use

- A. The gavel represents the presiding officer's authority and as such deserves the highest respect by the person who yields it.
- B. At a minimum it is used to:
 - a. Open and close the meeting
 - b. Recess the meeting, or order the members to stand at ease.
 - c. To maintain order and restore it when breached during the meeting.
- C. Inappropriate use:
 - a. The gavel shall not be used in a flippant or abusive manner such as:
 - i. A toy during the meeting
 - ii. To threaten
 - iii. Continuous hammering
 - 1. When a person is out of order, the gavel should be rapped once or twice, and the issue stated by the presiding officer. If the offender continues to be out of order, the chair shall repeat the process.
 - 2. While the chair has discretion to use the gavel as they see fit to maintain order, it is considered poor form to bang away with the gavel continuously. If the offender is so out of control, they should be removed from the meeting or the meeting recessed.

VI. Participation/Recognition

- A. The right for staff members to participate in meetings is provided for in Chapter 1 of this manual. Any staff member empowered as aforementioned or board member wishing to speak, ask a question, make a motion, among other things shall first request to be recognized.
- B. The presiding officer shall recognize members in a manner to ensure all members have an opportunity to speak at least once on every item.
- C. No person shall speak until recognized by the presiding officer, unless a parliamentary inquiry or point of order exists which allows for interruption.

VII. Motions

- A. Only board members may make motions.
- B. When a member is recognized and in the process of making a motion, no one may interrupt that member unless it is to raise a privileged motion, a point of order, or question of privilege.
 - a. The presiding officer has every right to interrupt a person if they are out of order, or to exercise the privilege of the chair (such as, but not limited to making a question of privilege).
- C. After a motion is made, the presiding officer may request a rationale or clarification on motions.
- D. The presiding officer has the right to separate a motion into separate votes in order to facilitate a decision or when separating items would bring clarity to the members and/or decision.
- E. Types of motions
 - a. Primary/Main Motions
 - i. An original motion on any topic/subject on the agenda
 - ii. Does not take precedence over any other motion
 - iii. Cannot be made while any other motion is being considered
 - iv. Cannot conflict with the board's rules, charter or the law.
 - b. Subsidiary/Secondary Motions
 - i. Any motion applied to another motion
 - ii. Take precedence over primary motions, but not privileged or incidental motions
 - iii. Examples include motions to: table, close debate, postpone, refer to committee, amend, or postpone indefinitely
 - c. Incidental Motions
 - i. Arise out of, and take precedence over all other motions except privileged ones.
 - ii. Cannot be amended and nor debated (except appeal to the chair)
 - iii. Examples include motions to: appeal the ruling of the chair, object to consideration, withdraw a motion, suspend the rules
 - d. Privileged Motions
 - i. Unrelated to a motion being considered
 - ii. Take precedence over all other motions
 - iii. Are not debatable
 - iv. Examples include motions to: set adjournment time, adjourn, make a question of privilege, follow the agenda.
- F. See Appendix A for a table of common motions.

- G. See Appendix B for a complete list of motions and descriptions.

VIII. Voting

A. Who may vote

- a. Only elected or appointed members of the board may make official votes.
- b. Guests, staff, and onlookers do not vote, nor do they have any rights during a meeting other than what are granted by these rules, the City Charter, or state or federal law.

B. Majority Vote

- a. A majority vote means more than half of the votes cast must be in favor to win.
 - i. A tie vote shall always be considered a failed a motion.
- b. This is required for most motions.

C. Taking the Vote

- a. Before a vote can occur, a motion must be made and seconded.
- b. The presiding officer must state the motion before a vote can be taken. "It has been moved and seconded to
 - i. The presiding officer may summarize the motion's content if the original motion is lengthy or confusing, unless there is a legal requirement for precise language.
 - 1. The presiding officer shall provide an opportunity for the member making the motion to clarify the motion if it is summarized/truncated.
 - ii. The presiding officer has a right to require a motion be written and submitted in order to meet legal requirements or to ensure clear language for the vote and record.
- c. The presiding officer shall then call the vote by stating "It has been moved and seconded to (state motion). All those in favor say aye. All those opposed say no."
- d. Upon the result of the vote, the presiding officer shall announce if the motion passed or failed.

D. A member has a right to change their vote up until the presiding officer announces the result. After that time, a member can only change their vote with unanimous consent of the board.

- a. The decision to grant this privilege cannot be debated, but if a member objects to unanimous consent, it shall go straight to a vote.

E. Unanimous Consent

- a. The presiding officer, in order to expedite the meeting, may use unanimous consent to approve items that are considered non-controversial. An example is: Presiding officer- "I there any objection to the approval of the minutes [pause], hearing none the minutes are approved."
 - i. Presiding officers have a responsibility to ensure members have a clear opportunity to object.
- b. Members have a right to object to unanimous consent and have an item considered just like any other motion. In order to do so, a member need only to interject with "I object" before the presiding officer finishes stating the consented action.
 - i. Objections must be made prior to the conclusion of the statement of action, or it is out of order.

F. Voting methods

Method	Language to Use	
	<i>In Favor</i>	<i>Opposed</i>
Unanimous Consent	"Is there any objection to...?"	"I object!"
Voice Vote	All those in favor say "aye"	All those opposed say "no"
Show of Hands	All those in favor raise one hand and keep it up. [pause] Thank you, hands down.	All those opposed raise one hand and keep it up. [pause] Thank you, hands down.
Roll Call Vote	May the clerk call the roll. [The clerk will call each member individually who will state their aye or no]	
Ballot	The members shall now vote by ballot. Please fill out your ballot and pass them to the clerk. [after the clerk receives all ballots] The clerk will now announce the votes.	

IX. Debate/Discussion

- A. The purpose of debate and discussion is to ensure a full vetting of policies and proposals in public. That said, members shall have read and prepared for the meeting in advance, and as such their arguments are expected to be formed and ready for the debate which should keep debate relatively succinct and to the point.
- B. Threshold for debate
 - a. Items on the agenda are considered already on the table for voting. They do not require a motion to begin discussion or debate. They still require a motion to decide.
 - b. New items not on the agenda must be moved, seconded, and debated to be considered, then the actual deciding of the item/proposal must be also be moved, seconded, and debated. This is the same for any amendments.
- C. No member shall speak other than as allowed by these rules, and until recognized by the presiding officer.
 - a. This does not apply to motions that allow interrupting to seek recognition.
- D. Ideally, the presiding officer should refrain from commenting on each member's speech, should introduce the subject, speak last on the subject, and summarize the discussion before calling a vote.
- E. Members should confine themselves to the question under debate.
- F. Members may not speak about the motives of other members.
- G. Neutral language should be used to avoid inflammatory remarks.
- H. Members should not explain their votes while voting. This is to save time and because explaining a position is the same as debate.

- I. Members should refrain from dwelling on prior decisions of the body unless they are a proposing or debating an alternative.
- J. In bodies 7 persons and smaller, there is no limit to the number of speeches (unless the board imposes one), however the presiding officer or the board may set time limits to the length of each speech.
 - a. Members should strive to keep their statements to 5 minutes or less each time they are recognized.
 - b. Members should not speak more than once until all members have had an opportunity to speak on a matter.
 - c. There is no requirement to alternate speakers for/against.
 - d. The presiding officer is always allowed to participate in debate unless rules specific to that board prohibit it.
- K. Members have a right to pass and not speak.
- L. Members have a right to yield their time to another member speaking, but a member speaking may not ask for someone else's time.

X. Decorum

- A. It is the role of the members to police themselves in decorum first, then the presiding officer.
- B. The board should recognize that the presiding officer's role is not to "nanny" the board, and should support the presiding officer's role to maintain decorum.
- C. If the board disagrees with the presiding officer's ruling on decorum they have a right to appeal the ruling.
- D. Remarks must be relevant to the topic at hand.
 - a. It is the duty of the presiding officer to determine what is and isn't germane, subject to appeal to the greater board.
- E. Members may not speak about the motives of other members.
 - a. In ordinary discussion and debate, members are not allowed to attack or speak about the motives of their colleagues.
 - b. Members may speak about their own motives and those of nonmembers.
 - c. This does not pertain to points of order or challenges to conflict of interest.
- F. Debate behavior
 - a. Members shall avoid arguments and confine conduct to debate and discussion.
 - b. For the purposes of these rules, debate is defined as an exchange of ideas and opinions necessary and relevant to the development of policy, making of decisions, and deciding controversies before the board and that are within the power of the board to do so. Arguing is defined as fighting a member's ideas on a personal level or the needless quibbling over things outside of the board's responsibilities.
 - c. The line between heated debate and bitter argument can be fine and discretion is given to the presiding officer to delineate this.
 - d. When an argument is particularly heated, the presiding officer may order the board to "stand at ease" for a short period of time not to exceed 5 minutes. Longer periods should be accomplished through a recess.

- i. At the end of standing at ease or the recess, the presiding officer shall bring the meeting back “to order.”
 - G. Neutral language is to be used/No inflammatory language
 - a. The types of inflammatory language are many and a presiding officer shall gavel and cut off any members using inflammatory language. Members have a responsibility to be alert and interject points of order as necessary when the presiding officer fails to police members.
 - i. E.g. Robert’s Rules states a good example:
 - 1. “If a member disagrees with a statement by another in regard to an event that both witnessed, she cannot state in debate that the other’s statement ‘is false.’ But she might say, ‘I believe there is strong evidence that the member is mistaken’ or ‘The statistics before us does not support that claim.’ The moment the chair hears such words as ‘fraud,’ ‘liar,’ or ‘lie’ used about a member in debate, (s)he must act immediately and decisively to correct the matter and prevent its repetition.”
- H. Members should not speak against their own motion
 - a. This is to avoid wasting time. If a member feels their motion is incorrect or changes their mind about its usefulness, they should move to amend or withdraw it.
- I. Members may not explain their vote while voting
 - a. Debate of an item is sufficient to explain the reasons for voting.
 - b. Appointed board members may submit to the City Commission their reasons for opposing a measure in writing, and the chairperson (or if the chair voted against—they may delegate responsibility to a person on the prevailing side) may submit with a recommendation or decision to the City Commission a brief report summarizing the reasons a recommendation was passed. The mechanics of this may be decided by the respective board as a whole.
- J. Dead Horse Rule
 - a. If a member is not going to take steps to change a situation by motion or a proposal, it is not worthwhile to dwell past decisions or problems outside of good of the order.
 - b. If a member has moved to change a situation, but was on the losing side of that, they should avoid “beating a dead horse,” accept the current decision as the policy of the board and move on.
 - i. This rule applies to the meetings only. Outside of privileged/confidential information, members are free to remark on decisions on their own behalf.

Appendix A: Written Motions

Items are listed in order of precedence. All motions should be preceded by "Mister or Madame Mayor or Chair..."

Privileged Motions:

Set Adjournment Time: "I move to set the time of adjournment to..."

- Sets a time for the end of the meeting/limits the time of the meeting
- Debatable when presented as it's own motion. Non-debatable when another motion is currently being debated.

Recess: "I move to recess the meeting for... [or] until..."

- Temporarily adjourns the meeting for a specific period of time. Typically this is used to give everyone a break, or to confer with staff over the development of a complex motion or a legal matter.

Adjourn: "I move to adjourn"

- Closes the meeting immediately if the presiding officer has not adjourned the meeting already. Requires 2/3 majority if all items on the agenda have not been disposed of.
- Non-debatable

Question of Privilege: "Question of Privilege"

- Enables a person to inquire about immediate needs extraneous to the business before the board. This includes: turn the heat up, open a window or door, eject rowdy persons attending the meeting, or to ask the presiding officer to remind people to turn off their cell phones.
- The presiding officer must rule whether the question is in order to interrupt the business ongoing.
- Informal rules allow for the members to simply just state the issue.

Call for Orders of the Day: "I Demand Regular Order"

- If a speaker is going completely off the topic or making a motion outside the scope of the issue currently being considered a member may interject and demand regular order. This is only for blatant violations.
- The presiding officer will consider the demand and determine if order has been violated and rule accordingly.

Subsidiary Motions:

Table: "I move to table ... for/until/to..."

- Tabling an agenda item, or a motion is to postpone it for a definite period of time.
- Non-debatable.

Call the Question: "I call the question and move that we stop debate."

- This ends debate and moves to vote on the question (aka motion) before the board.
- This does not automatically mean a vote can occur, it requires a second and a vote.
- This motion is not debatable.

Limit or Extend Debate: "I move to limit/extend debate to...[x statements per member/x time per speaker/x time/x amount of time at which a vote shall be taken]."

- This can be a primary motion to apply to any agenda item or all items. It can also be a subsidiary motion while something is under consideration.
 - If a primary motion, it can be subject to amendments.
 - If a subsidiary motion to business already under consideration it can only apply to the item currently on the table and cannot be amended.
 - Once debate/discussion is limited, it cannot be tabled, referred to committee, nor the question be called. Once the limited debate is finished, those questions can be moved, but are not debatable.
- A motion to extend debate after debate is limited can only be done once the limitation has been concluded.
- The chair has the privilege of extending or limiting debate to members provided a motion has not been made to pre-empt that privilege.

Postpone to a Definite Time: "I move to postpone...for/until..."

- This does not kill a motion, it only moves it to a defined time in the future.
- Under these rules, a definite time should not be more than 9 months, preferably to another point in the meeting, or a meeting in the near future.

Refer to Committee: "I move to refer the matter to ...committee."

- If the commission feels a matter could be better developed it may create a committee to which it refers the matter or it can refer the matter to one of its appointed advisory boards.
- If the advisory board feels a subcommittee ought to be formed, it can do so by moving to create a subcommittee and then referring the matter to such a committee.
- It is HIGHLY recommended that either the referring board set a date for when the referred matter should be returned to the referring board, or submit with the referral a request to the referred board for an estimated time for the matter to be returned.

Amendment: "I move to amend the..." / "I move to amend....and add/strike ..." / "I move to strike... and replace with..."

- This is to change or edit something before the board. It can be minutes, reports, motions, etc.
- An amendment to the primary motion has less precedence than an amendment to a subsidiary motion.

Postpone Indefinitely: "I move to postpone... indefinitely."

- Used to kill the main motion for the duration of the meeting and avoids a direct vote on the item.
- Useful for disposing of badly chosen main motions that cannot be either adopted or expressly rejected without possibly undesirable consequences.
- Can only be applied to the primary motion, and only made while a primary motion is immediately being considered (i.e. all the amendments or other modifications must be disposed of).
- Is fully debatable including on the merits of the issue to be postponed.
- A negative vote precludes this motion from being reconsidered on the same issue.

Primary & Associated Motions:

Main/Primary Motion: "I move to approve/deny..."

- Used to introduce business or items to the board
- Used to dispose of items on the agenda
- The start of parliamentary procedure and lowest in precedence/rank.

Withdraw: "I move to withdraw my motion..."

- Used to withdraw a motion to prevent it from being defeated or because a cleaner motion would do better than a multitude of amendments (which can be confusing).
- Only the member who made the motion can move to withdraw.
- Withdrawal is usually handled by unanimous consent, but if any member objects, a vote must be taken.

Reconsider: "I move to reconsider..."

- This is to take up an item entirely again as if it had never been decided. Whatever is decided countermands the previous decision.
- Generally is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.
- Can be made over any motion and yields to no motions. It can be made after a motion to adjourn has passed, but the chair has not formally adjourned the meeting by gavel. However, in precedence of consideration, it has only the same as the motion that is being reconsidered.
- This motion can only be moved on the same day or next day (preferably the same meeting)
- Must be moved by someone who voted with the prevailing side.

Incidental & Other Motions:

Request for Information: "I would like to make a request for information."

- Could be called "point of information", and is simply any request for information that is relevant to the debate and somewhat urgent. (i.e. cannot be used to stall an issue if the information is not urgent).
- For receiving information only—not stating an opinion on the information provided (which is debate). It is out of order for a member to use this to provide information or ask a question to which information has already been provided during the meeting or in the packet.
- The presiding officer is not required to respond to hypothetical questions, nor to require staff (if the question is inexorably to be presented to them) to respond to hypothetical queries either.

Point of Order: "Point of Order"

- Is a quick way to point out a mistake in parliamentary procedure, or a violation of rules such as decorum.
- Once recognized the presiding officer will ask the person to state their point.
- The presiding officer will weigh the point and potentially consult this manual or staff to make a ruling.
 - The ruling can either be "The point is well taken" and the presiding officer remediates the issue, or "The point is not well taken" at which the presiding officer will continue with whatever business is before the board.

- Points of Order are subject to appeal.

Appeal: “I move to appeal the ruling of the Mayor/Chair”

- Normally used when members disagree with the presider’s ruling on a point of order.
- Can be used when members disagree with any ruling or decision of the presiding officer.
 - The ability to appeal is a core foundation of parliamentary procedure and a reminder to presiding officers are the servants of the board and that the board is the final authority.
- Requires a second.
- Appeals related to decorum or other issues not related to the business before the board, are not debatable.
- Process is as follows in descending order after an appeal is moved and seconded:
 - Presiding officer speaks first and explains the reason for their ruling.
 - (If appeal is debatable) Members debate the matter, each member speaking solely once—with no yield privileges.
 - Presiding officer summarizes the arguments for/against.
 - Members Vote
 - Voting in favor is to uphold the presiding officer’s ruling.
 - A negative vote is to agree with the appeal and not uphold the presiding officer’s ruling.
 - A tie defaults to uphold the presiding officer’s ruling.

Suspend the Rules: “I move to suspend the rules and...”

- Used to do something during a meeting that would otherwise violate rules of order.
- Can be made when no other question is pending.
- Can only supersede other motions if it is for a purpose connected to a pending motion.
- Cannot be reconsidered, debated, or amended.
- Requires a 2/3 vote if moved by a member, or the presiding officer can suspend the rules through unanimous consent.
- Cannot be used to suspend federal, state or local law—only for procedural or board rules.

Bring Back Motions:

These motions take precedence over nothing and are out of order when another motion is on the table. They can only be amended to the matter upfront, and not to expand the matter being brought back. If these motions fail they can be brought back. If they pass, they cannot be reconsidered in the same meeting.

Rescind: “I move to rescind...”

- This is to void or cancel something already passed in the same and/or the last meeting.
- Cannot be used to void anything that has been validated by signature by the presiding officer.
- Cannot be moved on something that is legally impossible to do such as the adoption of certain quasi-judicial land use decisions.

Take from the Table: “I move to take... from the table.”

- This is used to bring forward something that was previously tabled.
- Cannot be reconsidered during the same meeting.

Amend Something Previously Adopted: "I move to amend the previously adopted..."

- Amendments may not be beyond the scope of the original notice.
 - Notice is defined as the original motion, or in the case of a rules change, without full notice to the membership before it .

Appendix B: Motions Chart

Ranking of Motions: Greater numbers have precedence over lower.

Privileged Motions					
	<u>Rank</u>	<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Set Adjournment Time	13	Yes	No	Yes	Majority
Adjourn	12	Yes	No	No	Majority
Recess	11	Yes	No	Yes	Majority
Question of Privilege	10	No	No	No	Chair rules
Call for Orders of the Day	9	No	No	No	No

Subsidiary Motions					
	<u>Rank</u>	<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Table	8	Yes	No	No	Majority
Call the Question	7	Yes	No	No	2/3
Limit or Extend Debate	6	Yes	No	Yes	2/3
Postpone to a Certain Time	5	Yes	Yes	Yes	Majority
Refer to Committee	4	Yes	Yes	yes	Majority
Amendment		Yes	Yes	No	Majority
<i>Secondary Amendment</i>	3.5	Yes	Yes	Yes	Majority
<i>Primary Amendment</i>	3	Yes	Yes	Yes	Majority
Postpone Indefinitely	2	Yes	Yes	No	Majority

Amendment & Call the Question may be applied to higher rank motions

Main Motion & Associated Motions					
	<u>Rank</u>	<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Primary/Main Motion	1	Yes	Yes	Yes	Majority
Withdraw		No	No	No	Yes

Incidental Motions & Other Motions					
		<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Request for Information		No	No	No	Chair rules
Point of Order		No	No	No	Chair rules
Appeal		Yes	Depends	No	Yes or 2/3
Suspend the Rules		Yes	No	No	2/3

Bring-Back Motions					
Reconsider		Yes	Yes	No	Majority
Rescind		Yes	Yes	Yes	**
Take from the Table		Yes	No	No	**
Amend something previously adopted		Yes	No	No	Majority

** Majority w/ previous notice, 2/3 w/out notice, or majority of full membership

Appendix C: Public Hearings Script

Announcement of the Matter

This is the time set for a public hearing on _____.

Opening the hearing/record

"At this time I will open the hearing." (tap the gavel)

Ethics Disclosure

Are there any conflicts of interest or ex parte contacts to report?

Staff Report

"Will staff please present their report?" (Staff reads report into the record)

Public Testimony

"Public Testimony will now be allowed. Persons wishing to speak shall fill out a blue public comment card and submit it to the city recorder in order to be recognized. Once recognized, they shall come to the lectern and begin speaking. Persons speaking shall address their comments to the Commission as a whole and shall keep their comments to no more than _____ minutes.

- "Is there anyone present wishing to speak in favor of _____?"
- "Is there anyone present who wishes to speak but is neutral to the matter?"
- "Is there anyone present wishing to speak in opposition?"

"If there is no further speakers, I will close the public comment session."

Final Commission Discussions

"Do any members of the board have any additional questions about this matter for the staff?"

Hearing Closure

"If there is no further discussion, I'll close the public hearing at this time." (tap the gavel)

Commission motion.

Appendix D: Executive Session Script

Items in yellow are subject to change and will be amended by staff. A specific version is included for reference. See Appendix E for the full law on executive sessions.

(tap the gavel)

The Warrenton City Commission will now meet in executive session under the authority of ORS 192.660(2)(e); *to conduct deliberations with persons designated by the governing body to conduct real property transactions.*

Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced.

No decision may be made in executive session. The Commission is not expected to return to regular session to take action on items considered in the executive session.

(after the session has ended tap the gavel, open the chambers and adjourn.

Appendix E: ORS 192.660 “Executive Sessions Permitted on Certain Matters”

This is not the full law, only those parts that are potentially to be used by the city are included. The other portions are deleted for brevity

- (2) The governing body of a public body may hold an executive session:
- a) To consider the employment of a public officer, employee, staff member or individual agent.
 - b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
 - c) n/a
 - d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
 - e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - f) To consider information or records that are exempt by law from public inspection.
 - g) n/a
 - h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
 - i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
 - j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
 - k) To consider matters relating to school safety or a plan that responds to safety threats made toward a school.
 - l) n/a
 - m) n/a
 - n) To discuss information about review or approval of programs relating to the security of any of the following:
 - (A) A nuclear-powered thermal power plant or nuclear installation.
 - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
 - (C) Generation, storage or conveyance of:
 - (i) Electricity;
 - (ii) Gas in liquefied or gaseous form;
 - (iii) Hazardous substances as defined in ORS [453.005 \(Definitions for ORS 453.005 to 453.135\)](#) (7)(a), (b) and (d);
 - (iv) Petroleum products;
 - (v) Sewage; or
 - (vi) Water.
 - (D) Telecommunication systems, including cellular, wireless or radio systems.
 - (E) Data transmissions by whatever means provided.

- (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS [192.640](#) (Public notice required).
- (4) [Representatives of the news media shall be allowed to attend executive sessions](#) other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS [332.061](#) (Hearing to expel minor students or to examine confidential records) (2) but the governing body may require that specified information be undisclosed.
- (5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.
- (6) No executive session may be held for the purpose of taking any final action or making any final decision.
- (7) The exception granted by subsection (2)(a) of this section does not apply to:
 - (a) The filling of a vacancy in an elective office.
 - (b) The filling of a vacancy on any public committee, commission or other advisory group.
 - (c) The consideration of general employment policies.
 - (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
 - (A) The public body has advertised the vacancy;
 - (B) The public body has adopted regular hiring procedures;
 - (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
 - (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.
- (8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

Appendix F: Quasi-Judicial/Land Use Public Hearings Script

**This script will be altered by staff to align to the issue but is included here for reference. Items highlighted are alterable.*

This is the time for a public hearing in the matter of an appeal for an application for a 15-lot subdivision at the terminus of SW Kalmia Avenue, Clear Lake Subdivision Application SUB 19-1, Wetland Hardship Variance WHV 19-1 & Variance VAR 19-1.

(Open Hearing)

At this time I will open the public hearing. (tap the gavel)

If you wish to speak, please fill out the blue colored comment card. As the presiding officer, I will recognize you from the form, or if I ask if anyone else wishes to speak. We need to determine how many people are here to testify and may limit individual speaking time to ensure that everyone has the opportunity to speak.

This hearing is being recorded. Please speak clearly. Once recognized, please step up to the lectern and begin your comments by stating your name and mailing address for the record. We request all testimony to be to the point, focusing on comment on the relevant issues. To avoid repetitive or redundant testimony – if someone has already testified and made your point but you still wish to be on the record, please simply state that the previous speaker has raised your issue or state the written comments submitted on your card suffice.

The applicable substantive criteria pertaining to the application are as follows:

Chapters 16.112; 16.120; 16.124; 16.136; 16.140; 16.144; 16.152; 16.156; 16.272; 16.192; 16.216; and Section 16.208.050.

Testimony, arguments and evidence in this hearing must be directed toward the applicable criteria or standards identified in the staff report, or to other criteria in the development code or comprehensive plan that you believe applies to this decision. The application before the City this evening must be decided based on these criteria. Despite the importance of other issues that may be raised during the public hearing, the authority of the City is limited only to those issues that address compliance with the applicable criteria.

Failure to raise an issue with sufficient specificity to afford the Commission and the parties an opportunity to respond to the issues precludes an appeal to the Land Use Board of Appeals based on that issue.

Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the City to respond to the issue precludes an action for damages in circuit court.

We will conduct this hearing as follows:

- Commission ethics disclosures.
- Presentation of the staff report.
- Commission questions of staff.
- Presentation by the applicant.
- Commission questions of the applicant.
- Public Testimony:
 - Testimony in support of the application and neutral testimony.
 - Testimony in opposition to the application.
- Rebuttal by the applicant.
- Close of public testimony.
- Deliberation among City Commission members with questions of staff as necessary.
- Motion to approve, approve with conditions, or deny the application.
- City Commission vote on the application.

A decision may be made by the City Commission at the close of the hearing, or the matter may be continued to a time and date certain in the future. If the matter is reset to a date certain in the future, this will be the only notice of that date you receive.

We shall now commence.

(Disclosure by members of the City Commission.)

Do any Commissioners wish to disclose any ex parte contacts, bias or conflicts of interest. Please indicate the nature and extent of the ex parte contact, bias or conflict of interest and indicate whether you intend to participate in or abstain from the hearing.

Do any members of the City Commission have conflicts of interest with the application?

Have any members had any ex parte contacts regarding the application?

Have any members visited the subject site?

If you have a conflict or have had such contact of bias, do you believe you can still make a fair and impartial decision?

Does any member of the audience wish to challenge any Commission member's impartiality for the record?

(If an Appeal—De Novo)

Under the City's Development Code, the appeal of a quasi-judicial decision to the City Commission is limited to the specific issues raised during the written comment period or at the public hearing for the appealed decision, unless the Commission decides to hold a de novo hearing which allows additional evidence or testimony concerning any other relevant issue. Under the adopted City Commission Rules, all land use appeals shall be held de novo so that the public is afforded the maximum opportunity to weigh in. Is there any objection to holding this hearing de novo? Hearing no objection—so ordered. (if a member wishes to not hold the hearing de novo, they may object and move to suspend the rules to solely hear the appeal on the issue[s] appealed).

(Presentation of the Staff Report.)

Mr./Mrs./Ms. [REDACTED], would you please present your report.

Do any members of the Commission have any questions of staff about this application?

(Testimony from the Applicant of Applicant's Representative.)

Would the applicant like to make a presentation?

Do any members of the Commission have any questions about this application for the applicant?

(Public Testimony.)

I will now open the public testimony portion of the public hearing. Please hand me the sign-up sheets for the speakers.

OPTIONAL – If there are numerous people wishing to speak, individual testimony will be limited to _____ minutes per person, both pro and con, as well as neutral testimony.

(Testimony in Support of the Application.)

“We will now hear from those wishing to speak in support of the application. Please direct all testimony to the City Commission.

(Presider calls the first name on the support list, and so on.)

That is all of the names on the support list. Is there anyone else who has not testified who wishes to speak in favor of the application?

Is there anyone who has not testified who wishes to speak as neutral to the application?

(Testimony in Opposition to the Application.)

We will now hear from those wishing to speak in opposition to the application. Again, please direct all testimony to the City Commission.

(Presider call the first name on the opposition list, and so on.)

That is all of the names on the opposition list. Is there anyone else who has not testified who wishes to speak in opposition to the application?

(Applicant Rebuttal.)

The applicant now has the opportunity to offer a rebuttal or closing statement. Do you wish to speak?

(Close the Public Testimony Portion of the Hearing.)

I will now close the public testimony portion of this public hearing, and open the City Commission deliberations on the application.

(City Commission Deliberations.)

(City Commission members deliberate among themselves and may ask staff questions as needed.)

MOTION IS MADE

VOTE ON THE MOTION