

RESOLUTION NO. 2589

CREATING A CITY OF WARRENTON MARINAS' ADVISORY COMMITTEE

AND PROVIDING FOR RULES THEREOF

Whereas, there is a need for an advisory committee to review and recommend improvements to the performance and development of the Warrenton and Hammond Marinas, as well as advise and recommend on requests to improve services and operations; and

Whereas, this advisory committee is created pursuant to the City Commission's acceptance of the Joint Hammond Marina Master Plan and Downtown & Thoroughfare Task Forces;

The Warrenton City Commission hereby resolves as follows:

Section 1. There is hereby established an advisory committee to the City Commission of the City of Warrenton to be known as Warrenton Marinas Advisory Committee.

Section 2. The Warrenton Marinas Advisory Committee "Charter" is hereby created as outlined in the attached Exhibit A, which is herein incorporated.

Section 3. The Warrenton Marinas' Advisory Committee shall follow policies and procedures for citizen boards, attached as Exhibit B, which is herein incorporated.

Section 4. This Resolution is effective immediately upon its passage.

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

Henry A. Balensifer, III
Mayor

ATTEST:

Dawne Shaw, CMC
City Recorder



Warrenton Marinas Advisory Committee Charter

Preamble

There is a need for a committee to review and recommend improvements to the performance and development of the Warrenton and Hammond Marinas, as well as advise on general matters as staff requests to improve services and operations.

Article I

This Committee shall be known as the Warrenton Marinas Advisory Committee, which is created pursuant to the Warrenton City Commission's acceptance of the Joint Hammond Marina Master Plan and Downtown & Thoroughfare Task Forces Recommendations.

Article II

Mission & Purpose

Section 1. Charter

The Committee shall work closely with the Warrenton Marinas Department, and will make recommendations regarding completion of or updates to a comprehensive marinas master plan to encompass both Warrenton and Hammond Marinas. The Committee shall advise the City Commission regarding matters referred to it by the City Commission, City Manager, and/or Harbormaster. It shall also consider the following matters as within its jurisdiction to periodically review and advise the City Commission on:

- A. Amendments to City Ordinances or Resolutions pertaining to the marinas;
- B. Rules, regulations, or fees relating to the operations and sustainability of the marinas;
- C. Design codes for attractive and orderly development in and near the marinas to increase the value of the assets and provide maximum aesthetic, service and operational value to the residents of the City of Warrenton;
- D. Recommendations of new, or review and recommendations of changes to policies concerning the selection, care, removal or sale of marina waterborne and landside assets;
- E. Recommendations for the purchase and development of properties, equipment, or services necessary to meet project or service goals;
- F. To host or sponsor events to attract business and grow revenues at the marinas;
- G. Recommendations to other boards for collaborative efforts in projects, programs, or events;

- H. Recommendations for attracting public-private partnership opportunities as necessary;
- I. Recommendations for maximizing the value accessibility of the marinas to all residents of the City.

Article III Membership & Meetings

Section 1. Membership

The Committee shall consist of five members nominated by the Mayor and appointed by the City Commission per its rules.

- A. The Committee shall contain at least one professional mariner, one member at large, and one commercial fishing user.
- B. Terms of office shall be staggered as follows:
 - 1) Positions 1 through 3 shall expire at the end of 2023;
 - 2) Positions 4 through 5 shall expire at the end of 2022
- C. All members appointed thereafter shall serve a term of 2 years and may be reappointed to consecutive terms as set forth by the City Commission's Policies and Procedures for Citizen Boards.
- D. Members shall adhere to all City of Warrenton rules and regulations in regards to, but not limited to attendance, conduct, and procedure.

Section 2. Meetings

The Committee shall meet at least quarterly and at a regular time, place, and interval (if more frequent) as set by its membership at the first meeting of the year.

- A. All meetings shall be made available to the public, and publicly noticed on the City Meeting Calendar online.
- B. The Committee may move its meeting location in order to conduct field visits or trips within the City.

Section 3. Officers

The Commission has appointed a chairperson for the first year of the Committee's existence. The members shall, at its first meeting, appoint a vice-chairperson to act as presiding officer in the absence or incapacitation of the chairperson. Thereafter the committee shall appoint its own officers pursuant to the applicable City of Warrenton policies and procedures for citizen boards.

Exhibit "B"



Policies and Procedures For Citizen Boards

City of Warrenton

1st Edition

By: Henry A. Balensifer III

Published 2021

Chapter 1 Introduction:

Brief: Thank you for your willingness to be involved in your city government! Citizens, like yourself, provide the basis of much of the policy and development decisions within our city. The City Commission has placed faith in you to provide it with recommendations and input on what is best for Warrenton. You have been selected to provide a citizen-based sounding board for advice and recommend policies.

Chapter 2 The Role of Appointed Boards within Local Government:

2.1 Supremacy of the City Commission, Purpose of Boards

The City Commission is the final authority for deciding policy, budgetary, and legislative matters within the city. It has created many citizen boards to ensure transparency in government and to channel the ideas and energy of citizens interested in particular issues. Citizen boards are to advise on issues of importance to the City Commission or develop plans or projects as necessary or directed to by the City Commission. If they lack clarity on city policy or direction, they should request a clarification from the City Commission via the Mayor and/or the City Manager.

2.1.1 Staff Support

City staff, when provided to support a board, is made available at the discretion of the City Manager or Commission policy via the board's chartering resolution. Staff operations are not controlled by the appointed board, unless otherwise approved by the City Manager or otherwise provided for in a definitive policy passed by the City Commission.

Chapter 3 Constituency

3.1 Constituency Defined

Merriam Webster's Dictionary defines constituency as "a body of voters in a specified area who elect a representative to a legislative body." While that is very specific, a "constituency" is generally thought of a body of people one represents and/or is accountable to. While every board appointee should act in how they feel is best for the community, they do not have a constituency other than the City Commission. Board Appointees should not accept nor confuse their role with having the burden of representing all citizens within the community. They are nominated by the Mayor and confirmed by the City Commission, and thus are held accountable to and can be removed by the City Commission at will. The City Commission is the only municipal board within the City that is accountable to voters by elections or recalls.

This is said to relieve the pressure some appointees feel about sitting on the board. While some boards may get angry speakers/citizens demanding something, they should always weigh the demand with their authority to decide, and the laws and policies of the city in place at that time. In most cases, boards have only advisory authority and as such should consider their recommendations as policy ideas and their effect on the community writ large. When in doubt, a board should notify the City Commission via a formal recommendation voted on by their full board or submit inquiries through their chairperson to the

City Commission via the Mayor. Individual board members should feel free to contact the City Manager and/or Mayor and/or Commission liaison (if there is one) relating to questions of policy or procedure at any time.

Chapter 4 Conduct

4.1 Service

Board members serve at the pleasure of the City Commission. Members, while acting in their appointed capacity or using their titles, should exercise caution in public remarks and refrain from disparaging their fellow board members or the City Commission on the record, on social media, or to the news media.

4.2 Recommendations

The City Commission desires to hear from its boards often. When a recommendation is made by a board and forwarded to the City Commission it is customary and encouraged for the chairperson to deliver the recommendation to the City Commission. If the chairperson is not available, then the vice-chairperson. While the City Commission recognizes everyone is volunteer, the quality of the recommendation is greatly enhanced when Commissioners can directly engage with the board. The Mayor shall always recognize the board chair or vice-chair to deliver the report. See Appendix A for recommendation template.

4.2.1 Right to Dissent

On all boards, when a recommendation is made or decision rendered, members have a right to file a letter of dissent to be forwarded with the formal recommendation to the city commission for the record. This letter should clarify the reasons why they disagree with the recommendation. The letter must be written within 5 calendar days of the recommendation/decision but may be required sooner if the recommendation will be considered at a City Commission meeting sooner than 5 days. See Appendix A for an example.

Members who oppose recommendations may speak during the public comment period as a private citizen but are not entitled to recognition during the presentation of the board's recommendation (unless they happen to be the one presenting the board's recommendation). The purpose of appointed boards' recommendations is to have the merits of a recommendation vetted before proposing it to the City Commission.

4.2.2 Process of Forwarding

All letters of dissent shall be included with the board recommendation it pertains to. If a letter is turned in after said packet is published, it shall be included in the Commission Drop Box, and/or printed and provided for the meeting.

4.3 Attacks

Conduct that attacks someone personally may lead to suspension, censure, or removal from a board.¹ Members should attack ideas and policies—not people on the board, city commission, or members of the community personally. Creating a hostile environment on the board, or the chronic inability to separate personal issues from professional decisions/positions may result in the dysfunction of the board and suspension or removal of the offending appointee(s). Strong disagreements on matters of policy are not a basis for creating a hostile environment. Impugning the character or motivations of a member of the board or staff or abusing parliamentary procedure to the point meetings become secondary to the procedures being inflicted upon the board are examples of creating a hostile environment.

4.4 Good Conduct

Good conduct can be summed up with a general rule of thumb: debate ideas, not personalities; and do whatever you can to preserve the public trust in the institution of local government. If you cannot respect the person you are debating, respect their position as a board member of equal standing and value. Members should fight for what they believe in, however they should not impugn another person's character or cast aspersion on motives. The only right another committee member has to challenge another board member during a meeting is to call out an ethics violation or a conflict of interest that has gone undisclosed or is otherwise improperly handled.² See the "Conflicts of Interest" section of this publication for more information. Committee members may not attack or make comments that impugn, harass or haze another. Spirited debate that focuses on the issue and not the person is not considered harassment or hazing.

All members should respect the authority of the chairperson. The chair's job is to ensure order and fairness in the meetings. If a chair is failing to ensure order, fairness, or the rights of members as prescribed in parliamentary procedure, members may declare a point of order or use parliamentary procedure to correct the deficiency. If the board has lost confidence in the chairperson, the board may move and vote to declare the chair's position vacant and appoint a new one. No member should take personally the use of parliamentary procedure to end a non-germane discussion. Likewise, no member should have their time wasted by non-pertinent discussions. Conversely parliamentary procedure can be abused to the detriment of the board and/or waste time. This is why it is so critical for board chairpersonships to not be taken lightly, nor be on an automatic "rotating" basis which may require persons ill fitted to the role or unwilling to take on such responsibilities to be the presiding officer.

4.5 Public Trust

¹ City Commissioners cannot be removed from office except for violations noted in the City Charter.

² Improper handling includes participating and/or voting on a decision by a member who has an actual conflict. City and Planning Commissioners are responsible for knowing and obeying Oregon ethics laws and administrative rules, as well as any city ordinances that are in effect pertaining to ethics, corruption, and conflicts of interest. See [Oregon Ethics Commission](#) website for more information.

The sole purpose of City Government is to serve its citizens. The power to decide items affecting the lives and possessions of its citizens are entrusted to the City and as such the office of any person within city government be it employee, elected, or appointed, are offices of public trust. It is therefore the responsibility of all government officials to protect that trust by taking great pains to avoid even the appearance of impropriety as much as possible.

No official has the right, or power to make promises related to the boards they serve on without the prior consent or delegation of authority from that board. The Mayor is only one of 5 votes and the chairs of each board have solely one vote per person. Making such promises not only compromises the integrity of the office to which one has been sworn or appointed to, but also create a deficit in the public trust and should be avoided.

4.6 Conflicts of Interest

It is the personal responsibility of all members to disclose conflicts of interest both perceived and actual before the discussion of the agenda item has begun. The proper disclosure method can be in two ways: 1.) during a public hearing, when the chair asks if any members have conflicts of interest to disclose or 2) ask to be recognized as soon as the agenda item comes up and disclose then (only if not a public hearing or the chair fails to ask if anyone has a conflict). When disclosing, the member should state both the conflict and nature of the conflict. This should occur *after* the hearing is opened and before the staff report or discussion has begun. If the conflict is perceived, and not actual, the member in question is *required* to state whether they believe the conflict clouds their perspective and that they believe they can be fair and impartial. Legally, the chair must accept the member's answer at face value. However, if a non-conflicted member of the board requests the recusal of the conflicted member, it is considered courteous for the conflicted member to recuse themselves from at least the vote, but not required. Specifically, the full board reserves the right to determine if a member is able to partake in the discussion or vote of a question in which a conflict exists, should that person refuse. If a member of either the Planning or City Commission have an *actual* conflict of interest the proper procedure is for them to recuse themselves from the meeting for that particular item, refrain from partaking in the discussion, and customarily step outside of the meeting room. Once the item is decided or public hearing closed, the conflicted member is to be invited back into the meeting to participate normally.

4.6.1 Failure to Declare

If a member of the planning commission fails to declare an actual conflict of interest, or refuses to acknowledge an actual conflict of interest, and this is brought to either staff's or the City Commission's attention and verified—that member may be suspended from voting and/or attending future meetings by the Mayor, until such time as the City Commission conducts a review of the circumstance and makes a decision regarding censure or removal from the board.

4.7 Dress Code

People have a right to express themselves however they feel. While it is not a requirement, the City respectfully requests that all elected and appointed members dress in a manner appropriate to and respectful of the office or position they hold.

Chapter 5 Board Sizes and Attendance Regulations

5.1 Board Positions to Ensure No Tie

All city boards shall comprise of an odd number of persons who may vote. If the appointed membership reaches an even number, the chairperson shall not vote. The board size rule does not apply to subcommittees formed by an appointed or elected board but is highly recommended.

5.2 Preparation Required, Right to Accommodations

Serving on a city board is an office of public trust. As such, it requires all members to be as engaged as possible, which requires prior study of meeting materials, familiarity with relevant plans and documents related to the meeting materials and regular attendance. While it is understood board members are volunteers—many with day jobs—absences are to be avoided as much as possible. When circumstance requires, members who cannot attend in person should participate remotely. Those membership should notify staff of the need or desire to do so and coordinate with city staff to ensure the setup of the conference call or videoconferencing system if they require such accommodation. For members with disabilities, they have a right to reasonable accommodations as well.

5.3 Chairpersons, Officers, Sizes

Boards that comprise of 3 persons are to have only a chairperson. They are not considered to constitute a quorum without full attendance of the board due to their size.

Boards that comprise of 5 or more persons are to have a chairperson and a vice-chairperson. A quorum of these members will consist of a simple majority of voting appointees.

A quorum exists when a majority of appointees are present. Vacant positions on the board do not count towards determining a quorum.

5.4 Absences

An excusable absence is noted if the member is ill or injured, has a medical procedure or family death/emergency, or a professional requirement. A professional requirement is considered a work trip, meeting, or other unavoidable requirement of their profession/employment. Absences that could have been avoided are not excusable, with the singular exception of being pre-approved before their appointment to the board.

Non-excusable absences include but are not limited to: trips that can be scheduled around such as vacations or non-urgent personal trips, forgetting the meeting date/time, or a desire to not attend that

meeting or vote on a difficult matter. The Commission, in weighing a pattern of absences, may determine failure to notify staff or the board chair of an absence that was not related to an emergency in which a person could have called or notified of their absence is unexcused.

Below are rules related to tolerable number of absences. Unexcused absences are explicitly listed. If the absence is general, it is a combination of excused and unexcused in aggregate.

- Members of boards that meet quarterly may not have more than 3 unexcused absences in 2 consecutive years.
- Members of boards that meet every other month may not have more than 2 unexcused absences in a year period, or an aggregate of 3 absences in a year period.
- Members of boards that meet monthly may not have more than 4 aggregate absences within a year and may not have more than 2 consecutive unexcused absences in a year period.

Because board chairs are critical positions requiring a greater attention to the details of the meeting, board chairs are held to a higher standard than regular members for attendance and should endeavor to attend all meetings. Chairs should not miss more than 2 meetings a year. This higher standard only applies to their position as chair.

*The Mayor, by notifying the City Commission, or the City Commission by formal action, may retain the right to keep members on a board despite attendance history or planned absences in order to find suitable replacements to the board, at which time they will be relieved of their appointment and a replacement appointee shall take their place.

5.5 Children/Family Policy to Enable Attendance

It is the official policy of the City of Warrenton to encourage and promote the inclusion of community members with children to serve on boards. Persons with children bring a much-needed perspective about the ease of use of public facilities and the suitability to meet current needs of children and families.

Members may bring their children to meetings provided they do not inhibit the business before the board. Wide discretion is given to chairs to work out reasonable accommodations for members who are new mothers, and members with children. If an accommodation can be made for in person attendance it shall be made, and if not—then technological accommodation must be made to ensure their participation.

5.51 Abuse, Prohibited Activities

The city is not a childcare provider and accommodations for children should not be a license to create significant disruption to the meeting. Children should not deface public property, or otherwise create a safety or property hazard to themselves, others, or the meeting space.

Chapter 6 Parliamentary Procedure and Chairpersons

6.1 Parliamentary Procedure

Parliamentary procedure, also known as rules of order, ensures the orderly transaction of business and respectful debate of ideas within a committee or board. Additionally, it ascertains the will of the majority, while securing the rights of the minority to be heard and participate in a decision. Boiled down, parliamentary procedure is a code for civility and common sense within a deliberative body. Meetings should begin promptly if a quorum exists and adjourn promptly after the conclusion of business or if such time is fixed. While board members can range from young professionals to retirees, it is important to not waste anyone's time and to stay on topic. The City's appointed boards are all comprised of wholly uncompensated volunteers, many of whom have professions and must sacrifice either professional time or family life to serve the city. Chairs must weigh the needs of a full and fair debate of ideas with the time constraints of an entirely volunteer board. Particularly verbose members who have a tendency to talk off topic or wander on tangents not before the board or germane to the item on the agenda being discussed should not feel slighted when the chairperson cuts them off and redirects the discussion to what is at hand.

Most appointed boards observe relatively relaxed parliamentary procedure. This is generally OK, and due to the fact most boards do not have legal authority to decide questions before it. The only boards that require relatively strict adherence to parliamentary procedure and legally scripted motions is the Planning Commission and Budget Committee. Nevertheless, boards shall try to follow parliamentary procedure as best they can. Chairs have a right to expect that staff will provide scripts to read to guide any legal proceedings if such a script is required for that meeting.

6.2 Chairperson/Presiding Officer

Every year, each board will elect amongst themselves a presiding officer known as a chairperson. If the board is large enough, it will appoint an officer whose duties are to preside over the meetings when the chairperson is unable. Presiding officers will not take office until the first meeting of the next calendar year. The board can appoint a chairperson-elect at any time during the year before October. The October requirement is solely to ensure adequate time for the newly appointed chair and vice-chairpersons to attend chairperson training. This appointment should not be taken lightly and must be taken willingly. "Rotation" of board chairs is not acceptable if it falls upon a member who does not desire the position or is unwilling to take the training and responsibility it entails.

6.21 Training Required

Board chairs are required to receive training on parliamentary procedure and their board charter in order to ensure they can run effective meetings and understand the policy nuances and legal requirements of their board. Failure to attend chairperson training before the first meeting of the calendar year their term as chairperson commences will disqualify them from eligibility to serve as chairperson until they complete the training unless the prior chairperson is no longer on the board.

6.22 Exemptions

The Mayor may grant a temporary exemption, provided the City Commission is notified at the next regular City Commission meeting with a timeline for remediation of the training deficiency or a request for a waiver. A waiver must note the reason and have the consensus of the City Commission to go into effect. Valid reasons include, but are not limited to, prior training and demonstrated knowledge of procedure and the respective board charter.

Chapter 7 Planning Commission

7.1 Quasi-Judicial Status

The Planning Commission is the only board where non-elected citizens may decide items with legal finality and without Commission intrusion unless the decision is appealed or is Legislative. In this way, the Planning Commission acts like a jury. This is why many Type III land use decisions are considered "quasi-judicial." Additionally, the Planning Commission is tasked with knowing the development code sufficiently to anticipate if it needs changing to ensure safe, orderly, and livable circumstances within the city. Its first function is to decide land use matters before it, but its second role (and just as important) is to advise the commission on the applicability of the development code to the current time and community needs. It bears repeating that while the Planning Commission has great power, it still serves at the pleasure of the City Commission as does every other appointed board within the City.

7.2 Required Reading

Planning Commissioners must read and be *familiar* with the following documents within their first year:

- Warrenton Comprehensive Plan
- Warrenton Municipal Code Title 16: Development Code
- Warrenton Community Vision Plan
- A parliamentary procedure manual as designated by the City Commission
- Anything referred to the Planning Commission by staff or the City Commission, or reading necessary to decide a matter before it.

Planning Commissioners should possess and read within their first year of membership the following:

- Any existent Urban Renewal Plan
- Transportation Systems Plan

Planning Commissioners should possess so as to read or reference as needed:

- Hammond Marina Master Plan and Updates
- Warrenton Parks Master Plan
- Other plans issued as reference material, and which will inform a matter before the board.

7.3 Ethics and Policies of the City, Compliance

Planning Commissioners are subject to the same ethics laws as City Commissioners in relation to gifts and ethics disclosures. Planning Commissioners are personally liable for filling out Statements of Economic Interest and filing them with the Oregon Ethics Commission. As appointees the City Commission reserves the right to remove Planning Commissioners before their term ends for cause such as, but not limited to: ethics infractions (state or municipal), incompetence, failure to abide by rules and regulations of boards, and/or negligence. If the city commission issues a directive related to the policy of the city, planning commissioners are expected to reply with a product that satisfies the directive. If the majority disagrees with such a directive or policy direction, it may do so and report their reasons in writing, but they may not ignore commission directives and "sit" on directives.

Chapter 8 Required Library of References

8.1 Required Library and Availability

The City shall have available at all time in the Commission Chambers, one printed copy of the reference documents listed in Chapter 7, and any other documents that may be useful to any board that serves the city.

Chapter 9 Non-Appointed Persons

9.1 Subcommittees within a Board

Boards may create their own subcommittees that involve non-appointed members to help capture outside expertise required to further develop concepts or policies they are exploring. However, any person that is not appointed shall only vote on issues within the subcommittee and shall not be eligible to vote on any issue or decision before the full board. All subcommittees must include and preferably be chaired by an appointed board member. Subcommittee chairs do not need to attend chairperson training but may receive it upon request. Subcommittees formed by the appointed board may *not* vest decisions to a subcommittee, only recommendations. The formation of a subcommittee and roster of members must be reported to the Mayor by the chair of the board prior to the seating of the subcommittee.³

Chapter 10 Conduct

10.4 Right to Challenge Impartiality

³ If the Mayor or staff has concerns about the creation of a subcommittee, they may refer the matter to the City Commission which may, at their discretion override the creation of such subcommittee or provide it with specific direction, appointment suggestions, or boundaries of scope and time.

During quasi-judicial/Type III public hearings, it is the right of citizens to challenge the impartiality of City Commissioners and Planning Commissioners (regardless if a conflict has been declared). At the outset of the hearing, the presiding officer should ask the public in attendance if anyone wishes to challenge the impartiality of any member, at which point the member(s) of the public shall rise and state their name and address for the record and reason for challenging the impartiality of the commissioner. The commissioner is required to either step down from participating in the decision or respond for the record to why they believe they will remain impartial for the hearing. If the presiding officer fails to ask, the public has a right to approach the City Recorder, City Attorney, or City Manager's desk during the meeting and inform them of their wish to challenge—at which time staff should inject a point of order in the proceedings. If the person is disabled, they or their interpreter/or ability assistant may simply just shout out "Challenge" at the beginning of the hearing, to which the presiding officer must recognize them to state the commissioner and reason for challenging their impartiality. The challenged board member has a right to refute any challenge for the record. Members of the public may not otherwise interrupt the meetings and presiding officers have no requirement to recognize members of the public simply trying to participate without recognition to speak during the appropriate time.

If they do not challenge the impartiality of the member at the start of the hearing, they may not interrupt mid-hearing, but may file a written challenge with the City Recorder who will submit it to the City Attorney to determine if the decision would have been materially altered had that affected individual participated or not, and if in fact there was a breach of ethics. The challenger shall receive a response to their challenge once a determination is made.

Chapter 11 Discipline

11.1 General Meeting Conduct & Attendance

In general, the more authority a board has, the more legal responsibility members have as individuals.

If a member fails to meet the required attendance requirements, willfully damages public trust, fails to disclose conflicts of interest, or refuses to obey rules set forth by the board or City Commission, or if the board chair or staff reports a member as abusive or disrespectful, the offense shall be reviewed and if true, the offending member may be censured, suspended, or removed from the board for cause.⁴

Provided the issue is clear and present, the Mayor may issue a censure in writing and place members on suspension until the City Commission can either end the suspension, continue it for a definitive amount of time, or declare that board member's position vacant. The City Commission retains, as a body, full discretion under state and city law, over its boards and appointees. The mayor must provide notice to the City Commission before the City Commission's next regular meeting or the suspension is

⁴ The Mayor may suspend the offending member from participating on the board. This does not prohibit the member from attending meetings but does prohibit them from participating or voting. The Mayor must notify the City Commission of the reason for the suspension in writing as soon as practicable, but no later than 3 days after the suspension is in effect, or by the next commission meeting—whichever comes sooner. The Commission may formally end the suspension and reinstate the member, or if it finds the offenses warrant removal it may do so by declaring the position vacant.

automatically lifted. At all times, the Mayor must keep the Commission apprised of disciplinary actions taken unilaterally within two days of the action. Such actions should be reserved for flagrant violations such as flagrant ethics violations or abuse of office.

An example of a clear and present issue would be if a planning commissioner votes on their relative's variance application or a board chairperson calls another member a racial slur or viciously defames the character of a member personally during a public meeting and refuses to apologize. In both cases the Mayor will have likely relied on staff or a formal complaint. The Mayor may not censure or suspend members on undocumented reports. It requires a formal complaint in writing from an aggrieved party or report from staff which will be made available to the City Commission.

The Mayor is under no obligation to act unilaterally and may bring the issue(s) for the commission to consider. The general custom of the City is for most decisions to come before the city commission en banc, and to limit mayor/unilateral actions for the most egregious cases which will significantly harm the public trust or function of the board, or when the city's safety and welfare is threatened.

If a chairperson is incompetent, unable, or unwilling to follow or enforce parliamentary procedure, any member of the board may make a motion to declare the position of chair vacant and if such a motion passes, call for nominations of a new board chair. Once the position is declared vacant, the vice-chair would preside over the meetings until a new chair can be selected. If the board lacks a vice-chair, the board chair will remain in their position until a new chair is elected. The only board this does not apply to is the elected City Commission, because the Mayor is directly elected by the voters.

11.2 Conduct Outside Meetings

Board members shall not attempt to intimidate, coerce, or otherwise pressure any staff member to become familiar to them by social media, uninvited house calls, or through gifts that would violate state ethics laws. Appointed members who visit staff homes uninvited to discuss a city matter can be subject to immediate suspension and potentially dismissal.

Board members are expected to be good examples of citizenship. They should refrain from using their title or position on a city board outside of meetings or official business.

12.21 Assumption of Innocence

In general, the City Commission reserves the right to appoint or vacate appointments at their pleasure and for no reason. However, board members are given the right to be innocent until proven guilty for the purposes of removal for cause.

12.22 Resignation or Removal

If a board member's criminal infraction or media attention becomes a distraction to the work of the board or significantly erodes public trust in the city that member is encouraged to resign and focus on themselves, and/or can have their position vacated by the City Commission.

Chapter 12 Rules of Order

12.1 Official Rules of Procedure/Order

Historically, the City of Warrenton has loosely followed Roberts Rules of Order; adapting them to its own uses over the years. The most eminent difference from Roberts Rules and the City's adapted rules of order is that the City rules of order do not require a motion to take up items already on the agenda. All members are required to read the City of Warrenton Rules of Procedure. See the latest version of the *City of Warrenton Rules of Procedure* for more.

12.2 Votes, Consensus, Recommendations

When in doubt, the board should always hold a formal vote. This clarifies the record in the minutes and ensures a formal importance to whatever course the board decides.

12.3 Consensus

Presiding officers shall not make policy recommendations by consensus, but by votes. Consensus decisions should be relegated to informal items, direction to staff, items of a perfunctory matter or to help achieve agreement on parts of a larger recommendation. However, recommendations forwarded to the City Commission shall have been voted on.

Appendix A: Board Recommendation Template (w/ example content)

City of Warrenton Board Recommendation

January 21, 2021
Parks Advisory Board

Summary:

The Parks Board has created a list of recommendations for generating revenue and suggests prohibiting smoking in parks.

Fiscal Impact (if any/known):

There are no fiscal estimates at this time.

RECOMMENDATION(S):

(Recommendation Unanimous) See attached for revenue generation concepts.

(Recommendation 5-2) The board has received complaints of smoking near smoke sensitive persons watching children's ballgames. It also feels that smoking is increasingly not desirable around children and those with respiratory issues. State law already prohibits smoking 25' from a building entrance for these reasons. It recommends a prohibition on smoking in Quincy Robinson Park. *(1 letter of opposition attached).*

Respectfully Submitted,

Jane Eyre
Chair