



## **WORK SESSION**

### **AGENDA**

**City Commission of the City of Warrenton**  
**Tuesday, January 19, 2021 – 4:00 P.M.**  
**Warrenton City Commission Chambers**  
**225 South Main Avenue**  
**Warrenton, OR 97146**

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**1. Call to Order**

**2. Roll Call**

**3. Review of Commission Rules**

**4. Executive Session**

*Under the authority of ORS. 192.660(2)(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, and ORS 192.660(2)(e); to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

**5. Adjourn**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

City of Warrenton Commission Rules

Adopted X Date by Resolution X

Findings:

1. The Warrenton City Charter acts as the constitution of the City of Warrenton and, when not preempted by federal or state law, is the controlling law of the City.
2. The Warrenton City Charter Chapter IV Section 13 states the Commission "Shall adopt rules for the government of its members and proceedings."
3. Now therefore, the Warrenton City Commission adopts the following manual "Warrenton City Commission Rules" to govern conduct of its members and adopts the following manual "Warrenton City Commission Rules of Procedure" to govern its proceedings.
4. These rules must be adopted by vote of the Commission and may be suspended to meet exigencies as approved by the commission.



# Warrenton City Commission Rules

## 2<sup>nd</sup> Edition

Adopted X, x 2020

Resolution X

## Chapter 1 – Eligibility for Elected Office:

A. No Person shall be eligible for an elective office of the city unless at the time of nomination and election they are a qualified elector as defined by Article II, Section 2 of the Oregon Constitution. As such, a qualified elector by state law must include but is not limited to being:

1. 18 years of age or older.<sup>1</sup>

B. The City Commission shall be the final judge of the qualifications and election of its own members.<sup>2</sup> As such all candidates for election or appointment to the Warrenton City Commission shall:

1. Have resided within the city limits for one full year prior to the date of election they filed for.<sup>3</sup> This means:

- a. The candidate's primary residence must have been within the city limits of Warrenton for a full year, should the person have multiple residences or just moved into city limits.<sup>4</sup>

- i. Primary residence is defined as the residence which is primarily occupied, not simply where mail and bills are addressed to.<sup>5</sup>

2. Have not been convicted of a crime which would prevent the applicant from attending public meetings due to a criminal offense during the term of office to which they seek election, nor have been convicted of any felony. All candidates running for office who have been arrested or ticketed, but not convicted, are presumed innocent until proven guilty.<sup>6</sup>

- a. Candidates who have been convicted of a felony may run for office, provided they disclose their criminal history for which they were convicted on a form provided by the City Recorder. There is no requirement to include civil infractions, claims or citations.

- i. The city shall not publish these records on its own, however these records enable the public or media to request copies which they may do with as they like.

- b. If a crime as defined in Section 2 has been expunged, it does not require disclosure nor does any of Section 2 apply.

- c. If a candidate is charged but not convicted during the campaign, they do not have to file a disclosure. However if they are convicted by the court with original jurisdiction, they shall file a disclosure within 3 days of conviction, or within the next business day if within a week of election day, regardless if they file an appeal.<sup>1</sup>

3. The City Recorder shall require all candidates to attest they meet the minimum qualifications as set forth in Sections 1 and 2 on a form separate to that described in

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<sup>1</sup> Oregon Constitution Article II § 2 (a)

<sup>2</sup> Warrenton City Charter Chapter III § 12; Oregon Constitution Article VI § 7 & 8

<sup>3</sup> See [League of Oregon Cities Model Charter Seventh Edition, 2018](#), legal footnotes on pg. 11 and 12

<sup>4</sup> Oregon Constitution Article II § 5

<sup>5</sup> Subject to Oregon Constitution Article II § 4

<sup>6</sup> Subject to Oregon Constitution Article II § 3

WMC 1.16 to be provided candidates before a candidacy filing can be considered complete.]

4. Providing false or incomplete information on candidate disclosures is illegal and shall cause the offender to be ineligible to sit on the City Commission, nor file for election for Warrenton City Commission for a period of 10 years.]

Commented [AB2]: same

Commented [AB3]: same

- C. Commissioners shall attend Commissioner orientation within 3 months of election or appointment of office.
- D. Commissioners should attend the League of Oregon Cities ~~basic~~-elected basics trainings-~~courses~~ as well before taking office if possiblee-

## Chapter 2 – Discipline & Vacancies in Office

### A. Supremacy of the City Charter

1. The City Charter is the supreme law of the city, but does not invalidate and is subservient to Federal and State law.

**Commented [AB4]:** once we have finalized this document we should go through and be consistent on capitalizations, etc.

### B. Disqualifying Offenses

1. The city charter provides both a floor and a ceiling for the removal of elected officials, of which modification requires a charter amendment.
2. Offenses which will disqualify an incumbent or otherwise render their office forfeit are:
  - a. The incumbent's death<sup>7</sup>
  - b. Adjudicated incompetence
  - c. Conviction of a felony while in office or other offense pertaining to their office
  - d. Unlawful destruction of public records
  - e. Resignation
  - f. Recall from office
  - g. Ceasing to possess the qualifications for the office
  - h. The failure of the person elected or appointed to the office to qualify for elected office within 10 days after being sworn in; or
  - i. Upon absence from meetings of the commission for 60 days without the consent of the commission
  - j. Directly or indirectly, by suggestion or otherwise, attempting to exact any promise relative to any appointment from any candidate for city manager.<sup>8</sup>
  - k. Except while in a commission meeting open to the public:
    - i. Directly or indirectly, by suggestion or otherwise, attempt to influence in any way the city manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies
    - ii. Discuss directly or indirectly with the city manager the matter of specific appointments to any city office or employment

**Commented [AB5]:** I didn't double check this new version, but assuming that it is the same as the last, all of these were in the City Charter – which is unusual!

### C. Enactment of Removal

1. Enactment of disqualification/forfeiture and removal from office shall occur only after the Commission has voted to declare the commission position vacant.
  - a. E.g. A commissioner can be convicted of a felony, move away and resign, but their position is not vacant until such time as the commission votes to declare the position vacant.

### D. Discipline

<sup>7</sup> Items A – I; Warrenton City Charter Chapter VII § 31

<sup>8</sup> Items J – K; Warrenton City Charter Chapter V § 20 (f)

1. Discipline for the purposes of these rules is defined as action taken by the City Commission to hold its own members accountable for actions that violate these rules, harm public trust or the integrity of the commission, or otherwise are punishable by the City Charter or these rules but do not rise to the level of disqualifying or forfeiting a commission member's elected office as described in Section B.
2. The Commission retains the right to discipline its members for infractions of these rules outside of removal as enabled by the Charter.
3. Discipline must be done in a public meeting of the City Commission in accordance with Oregon Public Meetings law and notice requirements.
4. Examples of discipline include but are not limited to:
  - a. Written reprimand
  - b. Formal censure
  - c. Vote of no confidence
  - d. ~~Expulsion from the meeting at which the conduct occurs~~
    - i. This may be done by the Mayor
  - e. Requirement to attend trainings
  - f. Other disciplinary action as found legal and fitting by the City Commission with the concurrence of the City Attorney
5. Prior to taking any disciplinary action, the commission must plainly state its concerns in writing or in a public meeting.
  - a. Any commissioner subject to discipline may be afforded a reasonable opportunity to respond to accusations or concerns for the record.
  - b. The commission may investigate the actions of any commissioner.

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Commented [AB8]: agree, but if the commissioners refuses, we can't then remove him or her from office

#### E. Warnings

1. The Mayor, City Manager or City Recorder are enabled, under these rules, to issue warnings for violations or actions that warrant warning of borderline /potential violation of these rules verbally or in writing. Warnings should not be issued except as to provide advance notice to the offending member that their behavior or actions are on notice as of concern.
2. The Mayor, City Manager, or City Recorder shall, if issued in writing, provide a copy of the warning to all City Commissioners for the record in case disciplinary proceedings occur in the future. If a staff issued verbal warning, the Mayor should be notified. These are not required to be disclosed during a meeting, nor discussed.
3. A warning is considered an informal way to draw attention to a growing concern in behavior, breach of charter, or these rules.

## Chapter 3 – Commission Roles

### A. Commissioners

4. Individual members of the City Commission have no authority to act or represent the City Commission except as ~~delegated-authorized~~ by Commission direction, ordinance, resolution, tasking statement, or appointment.
  - a. Individual Commissioners are entitled to express their own opinions separate from the positions or policies of the city provided they ensure it is noted as their own and not the policy of position of the City.
5. Commissioners may not interfere with day-to-day administration or operations.
  - b. This does not prohibit the Commission, as a ~~legislative~~ body, from passing resolutions, reviewing the performance of the City Manager, funding special investigations, approve appointments of city officers, conduct public hearings, pass budgets, or conduct legislative audits.

### B. Mayor

1. The mayor is the ceremonial head of the city and is the presiding officer of all City Commission meetings. The mayor is directly elected to provide citizens a direct say in who should be the face and voice of their government and shall be the primary representative of the city in all political matters unless such role is delegated.
2. The mayor has no individual powers outside of those granted by the City Charter, ordinance or other means of delegation by the Commission such as these rules. Those powers are generally construed to include:
  - a. Nominating persons to city boards for appointment by the Commission.
  - b. Appointing Task Forces or convening committees
    - ~~The City Manager retains the right to determine the level of staff support for these committees and task forces.~~
  - ~~c.~~ Calling special or emergency meetings.
  - ~~d.~~ Declaring emergencies when public meetings law or absences prevent a quorum of Commissioners from convening in time to do so; or as the Commission allows through an adopted Emergency Operations Plan.
  - ~~e.~~ Serving as the presiding officer of the city commission.<sup>9</sup>
    - i. Convening and adjourning commission meetings.
    - ii. Enforcing the Commission's rules and procedures.
    - iii. Issuing the City Commission's orders to its boards in writing.
  - ~~f.~~ Representing the City at official events.
  - ~~g.~~ Any other power granted to the Mayor by Commission delegation, law, rule, or vote.
3. The mayor has obligations other members do not. These include:

Commented [AB9]: repetitive

<sup>9</sup> Warrenton City Charter Chapter IV, §17

- a. ~~Singing~~Signing all ordinances, resolutions, agreements, contracts, and records approved by the Commission regardless of the mayor's position or vote on the aforementioned.<sup>10</sup>
  - i. The Mayor must sign all items approved by the City Commission unless they are absent, or if they are the subject of a disciplinary resolution or official action.
    - 1. In this case the Mayor Pro Temp~~ere~~ or whomever was the presiding officer of the hearing shall sign the items.
- b. Representing the City Commission's positions to federal, state, regional and local entities.
- c. ~~Being~~ the "go-to" person responsible for making speeches or providing a presence on behalf of the city at official and non-city events across the city, and at regional, state, and federal events.

**Commented [AB10]:** does Mayor need authorization for this? For example, does the mayor decide where he speaks, or does the commission need to approve it?

**Commented [HB11R10]:** I would say no. It is understood that when the City as an entity is invited, all commissioners can attend but unless a speaker is specified other than the Mayor—the Mayor is the default speaker/public leader.

### C. Line of Succession

The Mayor shall, after the annual appointment of the Mayor Pro Tem, submit a memorandum to the Commission and staff outlining the line of succession in the event the Mayor and Mayor Pro Tem are incapacitated, travelling or otherwise unable to discharge the duties of the ~~head of state~~presiding officer. This should consist of a list of the remaining commissioners by seniority. If more than one commissioner is equal in seniority, the Mayor shall designate the succession as they see fit and as commissioners are willing. However, if one or more commissioner wishes a certain place in succession, they may decide between each other or draw lots for their position(s) in succession. The memo shall be revised according to the results of such contest.

### D. Staff

Commissioners shall endeavor to remember that they act as the legislative body of the City—not as the executive. The City Commission may enact policy but are not responsible for executing it, unless there is a legal and specific reason stipulating as such. They shall make all efforts to refrain from disrupting staff during day-to-day operations outside of what the City Manager allows. This does not prevent commissioners from requesting appointments or approaching staff in the course of acting as private citizens, at which they are entitled to the same level of access and attention as a private citizen.

#### Illustrating the Separation of Powers

The city commission is like Congress. The mayor like the speaker of the house. The city manager like the president. The city commission is the final say in development and passing policy and legislation, the mayor presides over commission development of policy and legislation, and the city manager manages the entirety of staff executing policy and has the majority of administrative decision authority.

<sup>10</sup> Warrenton City Charter Chapter V, §19

## Chapter 4 – General Commission Rules

### A. Authorization, Amendment, and Waiver

These rules are authorized by the City Charter. The Commission should review these rules periodically. Amendments shall be adopted by resolution. The Commission rules are not intended to replace or supersede any applicable federal or state laws or regulations or provision of the City Charter.

The Commission may by majority vote in a public meeting waive any commission rule not already subject to restrictions below or as required by law.

~~The only rules that may can not be suspended are those in contravention to City Charter provisions.d:~~

~~a. Chapter 1, Chapter 2 and Chapter 3.]~~  
~~1.~~

### B. Attendance and Presence in the City

Commissioners must be present and attend meetings regularly for city government to function properly.

1. Commissioners will inform the Mayor and/or City Manager if they will be unable to attend any meetings in person.
  - a. If possible, the commissioner may attend remotely.
2. If the Mayor will be absent, the Mayor will inform the City Manager and the next in the line of succession who shall preside over the meetings.
3. Unexcused absences shall be determined by the Mayor or presiding commissioner during that meeting.
4. Commissioners with chronic unexcused absences may be censured by the City Commission.
5. The City Commission retains the right to compel the attendance of absent members when a quorum is lacking.<sup>11</sup>

### C. Commission – Staff Relations

All Commissioners shall recognize that by virtue of their position as elected officials their presence and words carry weight regardless in what capacity they represent themselves. In order to respect the separation between the Commission's role as a policy board and the City Manager's responsibilities for the execution of those policies and management of staff, Commissioners shall:

<sup>11</sup> Warrenton City Charter Chapter IV § 14

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- 1) Not interfere with the day-to-day administration of city business, which is the responsibility of the City Manager.
- 2) Work together as a team within a spirit of mutual confidence, and support.
- 3) Respect the administrative functions of the City Manager and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Commission shall abide by the City Charter in its dealings with the City Manager and staff.
- 4) Limit individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Commissioners requiring significant staff time or resources (two hours or more) should normally require the consensus of the Commission to explore, although the City Manager may determine to follow up on requests from individual Commissioners independently. Any information obtained from staff should be shared with the entire Commission. The aforementioned is not intended to apply to questions by Commissioners acting in their individual, private capacity rather than as members of the City Commission. Commissioners will be treated as members of the public when acting in their private capacities, nor to questions regarding conflict of interest or similar issues particular to the Commissioner.
- 5) Make every effort to avoid disrupting or interrupting staff while they are in meetings, on the phone, or engrossed in performing their job functions. Appointments are encouraged with department heads.
- 6) Limit individual contacts with city officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the City Manager, department heads and other managerial and supervisory employees.
- 7) Respect staff and their roles and responsibilities, even if expressing criticism of an action.
- 8) Commissioners should endeavor to not express concerns about the performance of individual city employees in public or to the employee directly. Comments about staff performance should be made to the employee's supervisor through direct correspondence or conversation City Manager. Complaints and charges regarding city employees should be sent to the City Manager and should only be raised during an executive session after proper procedures have been met to do so.
- 9) Commissioners must refrain from talking to employees who have resigned to avoid discipline or to avoid termination, or who were terminated about their time employed with the city and/or their supervisors. This is to protect the city from employees who wish to gather information relative to a tort or workplace claim against the city.
- 10) Nothing in this section precludes Commissioners from obtaining information and asking questions during Commission meetings or from evaluating the performance of the City Manager.
- 11) Nothing in this section precludes Commissioners from engaging with staff in their private capacity to accomplish their day-to-day employment responsibilities. In such instances, Commissioners will be treated as any other member of the public.

**Commented [AB14]:** Although this is good advice, I'm not sure I would put it in the rules. See below about first amendment

#### D. Conferences and Seminars

Commission members are urged to educate themselves about local government. To that end, and as funding allows, Commissioners are urged to attend League of Oregon Cities trainings at city expense. Requests to attend other government related conferences, training seminars and meetings at city expense will be presented to the Commission for approval.

1. Commissioners shall not be reimbursed for any travel expenses incurred within Clatsop County.
2. Commissioners paying their own way do not need commission approval to attend conferences or trainings.
3. Commissioners who serve on committees or the boards of the League of Oregon Cities or Oregon Mayors Association or other similar associations of local governments may be reimbursed for reasonable expenses not covered by the respective body. Commissioners attending meetings outside of Clatsop County at the directive of or as an appointed representative of the City Commission do not need to seek permission for reimbursement of travel costs at GSA rates for the dates of travel and event only. Commissioners shall at all times conduct themselves so as to be a credit to the City and its people.

~~— The City Commission may suspend its own members from travel reimbursement and official events for a period of time it decides proper for conducting themselves in a manner unbecoming an elected official.~~

Commissioners will keep confidential materials, such as materials distributed in executive session and confidential legal memoranda in complete confidence to ensure that the City's position is not compromised. No mention of confidential information read or heard should be made to anyone other than other Commission members, the City Manager, or responsible department heads unless the Commission as a whole has decided to waive the privilege to keep the material confidential. When applicable, the City Attorney or their designee may collect all executive session handouts to avoid creating public records. If such a collection is made, the Commissioners shall remand the documents to the City Attorney's custody before the end of the executive session.

1. If in executive session the Commission provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A commission member will not communicate any executive session discussion outside of the executive session except as authorized by the Commission.
2. All public statements, information, or press releases relating to a confidential matter will be handled by designated staff or the Mayor, or whoever the Commission designates. Generally, if the latter two, staff shall provide the approved talking points.

#### F. Breach of Confidentiality

A breach of confidentiality is a serious offense which threatens the public treasury, trust between commissioners, trust between the commission and staff, and is an overall violation of the duties to which commissioners are sworn.

~~1. Any City Commissioner who commits a breach of confidentiality may be held personally liable for financial damages incurred to the city as a result of that breach.~~

~~—Breaching confidentiality which creates a harm to the city is not covered by tort liability granted to commissioners in the regular course and scope of their duties as elected officials. Commission retains the right to discipline its own members in a manner it sees fit and according to the seriousness and/or frequency of occurrence.~~

G. **Threats of Legal Action**

It is recognized that we live in an exceedingly litigious society. Being a public entity means that individuals may target the city for, or threaten with, legal action in order to redress a grievance, obtain a benefit or preferential treatment, or in many cases—to get their way. Sometimes legal action is also unavoidable. All commissioners have first and foremost a fiduciary duty to the public before any individual claimant(s). Additionally, Individuals may reach out to commissioners individually, send correspondence, or state in a public meeting a threat, or allude to a likelihood of filing a claim against the city. Commissioners and even appointed board members shall strictly obey the following requirements, which are henceforth the policy of the City in regards to legal threats:

1. Cease and not discuss any matters subject to or likely to be party to a legal claim.
2. Not assume that they are the only commissioner or appointee being approached about this issue.
3. Warn the individual(s) that any suggestion of legal action is grounds for terminating the conversation until legal action is disposed of, or threats are ceased. Until that time, all correspondence or discussion should be between the City Attorney or staff and the individual(s).
  - a. This is to ensure a single point of contact and negotiation.
    - i. Some agitated individual(s) may have their attorney deep in negotiations with the City Attorney, but try to hash out some sort of “deal” or “just talk” with commissioners in an attempt to extract contradictory or helpful information to their case which can be later used against the city. This is to be avoided.
    - ii. Legal negotiations, unless being done with the full commission, are only allowed to occur between the designated representatives of the City and the individual(s) threatening or engaged in making a claim. Typically this representative is the City Attorney and/or the City Manager—not an elected official.
4. Not hint at or suggest to the individual(s) anything that may result in harm, further claim at compensation, further claim of malfeasance, or other loss to the City’s legal standing.
5. Commissioners shall never encourage or suggest “as a private citizen” that an individual(s) should sue the city.
6. Commissioners shall terminate any conversation and any further contact with a person who overtly threatens or intimates potential legal action towards the city, and notify the City Manager.

**Commented [AB16]:** Although I clearly like this, it may not be enforceable in every instance – particularly if a commissioner is speaking in his or her personal capacity. So just as an FYI, the City can’t necessarily rely on this in every situation and may give the impression that the City has more control than it does ..

- a. The City Manager should forewarn the City Commission of any person or persons associated with persons who are party to or threatening legal action who are trying to reach out to Commissioners.

**H. Government Ethics Requirements and Reporting**

Commissioners will review and observe the requirements of the ~~State of Oregon~~ Oregon Government Ethics Laws dealing with the use of public office for private financial gain. Commission members shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes and/or hearing record. Commission members shall file statements of economic interest with the state ethics commission in a timely manner.

~~Commissioners shall disclose if any action is peculiar to their immediate family and family as far extended as a first cousin (including half first cousins), company, employer, or boss.~~

**I. Ethical Conduct and Fair Treatment**

In addition to matters of financial interest, Commission members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Commission. This general obligation includes the duty to refrain from:

- 1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public
- 2. Making public representations of City policy or positions that are in direct violation of such positions or policies.

~~3. Making decisions involving business associates, customers, clients, and competitors~~

- a. ~~If a relative of a Commissioner applies to serve on a board, that citizen is entitled to participate in their government if nominated.~~
  - i. ~~[The commissioner must disclose a conflict and refrain from voting on the confirmation of the relative's appointment.]~~
- b. ~~The mayor, being the sole member to nominate appointees, may not nominate a relative—however in the same spirit as in paragraph (a) above, the Mayor may forward the relative's application and any others who applied for nomination that are not already being nominated for positions on that board. In such cases, the Commission shall consider all such persons as nominees for that board and appoint whichever nominee to that specific board position.]~~

~~7.4. Requesting any type of preferential treatment for themselves, relatives, associates, clients, coworkers or friends.~~

~~8. Seeking employment of relatives with the City.~~

**J. Expenses, Compensation, and Reimbursement**

- 1. Commission members receive a stipend per City Ordinance and will receive no other compensation for serving on the Commission, but may be reimbursed for approved expenses.

**Commented [AB19]:** if it is a conflict, it would be covered by Oregon Government Ethics Laws

**Commented [HB20R19]:** For the purposes of procedure, and if adopted, it shall become one distinct and separate. Technically, no pecuniary benefit comes from this (except maybe on a planning commission), but these rules are for local trust just as much as for legality.

**Commented [AB21]:** I would remove this section and just rely on Oregon Government Ethics Laws. If the mayor prefers to delegate his authority to nominate to the commission, he can do so.

**Commented [HB22R21]:** Most commissioners, as volunteers, are not up to date with every nuance of state law—hence its enunciation here.

~~City Commissioners should avoid using their commission stipend as a fundraising or political object during public meetings~~  
employees when seeking reimbursement for authorized activities eligible for reimbursement.

4.3. The City does not reimburse Commission members for any expenses incurred by any person or companion other than the individual Commissioner.

#### K. General Conduct

Commission members shall conduct themselves so as to bring credit upon the government of the city by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Commission and abiding by all decisions of the Commission, whether or not the member voted on the prevailing side.

1. Commissioners will assist the mayor in preserving order and decorum during meetings, and may not, by conversation or any other action, delay or interrupt the proceedings or refuse to obey the rulings of the Mayor or ~~council-commission -rules.~~
2. Commissioners will not interrupt, by means of speaking or actions, another commissioner member who has the floor except as parliamentary procedure allows.
3. ~~Commissioners will not speak on behalf of the commission unless they have been authorized to do so. Commissioners may provide their own opinion on a matter if they clearly articulate the opinion as their own, and not that of the Commission or City as a whole.~~
5. ~~Commissioners will submit requests for information that will stake substantial staff time to the entire commission which will decide whether to take the requested action.~~
  - a. Personal attacks are defined as attacks that impugn the character of, cast aspersions on, or otherwise are malicious attacks on an individual's character.
    - i. Official evaluation of performance or actions likely to result in a cancellation of contract or disciplinary action is not considered "personal" in nature provided the discussion revolves around facts or actions that are material to the evaluated issue.

Commented [AB25]: glad im not the only one to do this!

7.5. Commissioners shall come to meetings prepared. Gather necessary information, research issues, and ask questions before each meeting as best as possible.

8.6. Commissioners shall speak only for themselves, and not for other council members.

9.7. Commissioners shall refrain from personalizing issues, and keep discussions issue oriented.

9. ~~Commissioners should bring any and all staff concerns to the City Manager and should refrain from bringing up staff issues in public before the City Manager can investigate or deal with the issue.~~

#### L. Legal Advice

1. Requests to the City Attorney for advice requiring extensive legal research and/or cost shall not be made by an individual Commission member except with the concurrence of the majority of the Commission.
2. The Mayor may independently request extensive legal research to meet an impending or immediate emergency or crisis provided ~~they~~ the Mayor promptly include the City Manager.
  - a. Any ~~l~~ legal queries and correspondence to the City Attorney by the Mayor shall copy or be shared with the City Manager unless the correspondence is regarding the City Manager.

- b. Impending and Immediate is defined as when a localized, clear and present danger is known or extremely likely to be occurring.
- a. Clear and present dangers can be construed to include, but are not limited to:
  - i. Weather-Whether or natural events forecasted to occur that may require an emergency declaration.
  - ii. A major influx in non-residents that have a high likelihood of causing major disruption to the city's health, welfare or safety,
  - iii. Warnings of civil unrest to occur in the city from credible intelligence sources such as but not limited to: the Oregon State Police, Dept. of Homeland Security, or FBI.

Commented [AB29]: this seems timely!

a. Clear and present dangers for the purposes of this section may not be construed to include events which are nebulous in their imminence, chronic, nebulous or indeterminate circumstances, and are not limited to:

v. E.g. A Cascadia event

b. Climate change

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3.2. Individual commissioners wishing to propose an ordinance or resolution that requires a legal opinion shall make a request for vetting through the Mayor or City Manager.

- a. In both cases the City Manager shall determine if such a policy is capable of being drafted from existing staff resources or if legal counsel is required to draft.

4.3. ~~The exception to sending requests through staff The exception to Paragraph 1 of this section is when issues are related to a performance evaluation of the City Manager and/or are unique and sensitive matters. In any case, the City Attorney shall provide a written response to the full Commission and unless inappropriate by the City Attorney's determination, the City Manager as well.~~

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#### ~~M.~~ M. Appointed Boards

The City Commission has several boards, commissions, and committees comprised of appointed persons that advise the City Commission on specific issues, or serve a statutory role. Per the Warrenton City Charter, "the mayor shall appoint the committees provided by the rules of the commission."<sup>13</sup> The powers and process for appointing persons to these entities is set forth as follows:

##### 1. Types

- a. There are three types of boards: statutoryrequired, advisory, and task forces.
  - i. Statutory-Required boards are any board required by federal, state, or city statute. They are permanent in function and exist by city ordinance.
    - 1. E.g. Budget Committee and Planning Commission
  - ii. Advisory boards are any board created by the City Commission to advise the City on policy and the operations and sustainability of city assets or departments. These boards are considered "standing" and exist by resolution.

Commented [AB31]: ordinances aren't statutes, so that's why I made this change

<sup>13</sup> Warrenton City Charter Chapter V § 19

- iii. Task forces are any group convened to review a specific issue and develop recommended plans, policies or specific actions to address them. These groups are considered temporary only and exist by Tasking Order.

2. Powers

- a. Unless the appointed board serves a statutory-legal requirement such as the budget committee or planning commission, all boards shall be advisory only.
  - i. ~~Statutory Required boards have the rights and powers afforded them through statute their authority and the board of Commission created for the budget committee. The budget committee always have staff support to ensure they meet their mandate requirements as set forth in the ordinance.~~
  - ii. Advisory boards are either standing committees of the city or (temporary) committees to investigate, create, vet, and propose policies, programs or projects that advise the commission and staff on issues within the city pertaining to their mandate.
  - iii. Task forces are temporary boards created by the Mayor or Commission and shall meet within a finite period to create findings and provide recommendations to the Commission or Mayor on a specific issue or topic.
- b. The Mayor shall have the sole authority to nominate persons for appointment to boards, commissions, committees, and task forces.<sup>14</sup>
- c. Unless officially delegated, the commission shall have the sole authority to confirm and appoint persons for appointment to boards, commissions, and committees.
  - i. If a task force is convened by the Mayor, the mayor may directly appoint.
  - ii. If a task force is convened by the City Commission, the standard process applies.
- d. The city manager retains the right to determine the level of staff support these standing or temporary bodies receive, ~~but must always adequately support statutory boards.~~

Commented [AB32]: whats the difference between a temp advisory board and a task force?

3. Process

- a. Persons recruited for or independently seeking positions on a board, commission, or committee shall completely fill out a form developed by the City Recorder completely.
  - ~~A person applying for a position is not considered an applicant until the form is deemed complete.~~
- ~~e.b.~~ The Mayor shall interview individuals for nomination, and upon selecting which person should be appointed, shall file a letter with the City Commission nominating them for a specific position. The letter shall include the name, position, and rationale for appointing them.
  - i. The only exception to this process is when the nominee is a relative of the Mayor or a commissioner, which shall be governed by Section 15 of this chapter.
  - ii. To reduce paperwork, the Mayor is encouraged to submit nomination letters by committee when multiple nominees are being put forth.

4. Other Stipulations

<sup>14</sup> Warrenton City Charter Chapter V § 19

- a. Applicants may not be appointed by the Commission directly unless the Mayor waives the right to nominate or an applicant for a board is a relative of the Mayor.
  - b. The Mayor must disclose to the commission at the meeting for which appointment(s) are considered, the names of applicants not selected.
    - i. This list will be confirmed by the City Recorder before being provided in the meeting packet or in print before the meeting.
  - c. The Mayor may not make temporary appointments if the commission refuses to confirm nominees for positions unless allowed to by commission consensus.
5. Removal of appointees
- a. The Mayor may remove appointees from boards for lack of attendance, malfeasance, or failure to execute their duties ~~as set forth in their board charters~~.
    - i. The Mayor must make the commission aware of any removals for cause before or during the next commission meeting.

**NA. Liaison to Boards, Commissions, and Committees**

City Appointed/Controlled Boards

1. The Mayor may appoint Commissioners to act as liaison to citizen boards, commissions, committees, or other bodies that directly advise the City Commission. Commissioners shall submit reports verbally or in writing regarding the activities and actions of the entities to which the Commissioner is liaison to. If a commissioner is failing to meet attendance obligations, or will be missing from a substantial amount of meetings, they shall inform the Mayor who may appoint another Commissioner to sit on that board until the absent member is able to fulfill their duties or is replaced. When attending a meeting of a City board, commission, or committee as liaison, Commission members will:
  - a. Respect entirely the authority of the chairperson.
  - b. Not attempt to influence the entity on any item under its consideration, unless delivering a message or directive from the Commission. It is important for the advisory body to make objective recommendations to the Commission on items before them.
  - c. Nothing in this section precludes City Commissioners from explaining what the City Commission expects from the entity ~~y, per their charter or a specific policy directive from the City Commission,~~ or explaining Commission policies or goals to which boards are held to.
  - d. Not vote at the body's meeting on any item.
  - e. The Mayor has the right to remove Commissioners from official liaison positions for violations of the aforementioned.
  - f. These aforementioned rules apply solely to city controlled/appointed boards.

Non-City Appointed/Controlled Boards

1. The Mayor or Commission may appoint commissioners to intergovernmental boards to represent the city's interests. In these appointments members are allowed to vote and make representations for the city ~~provided they are in line with the city's official positions or within the spirit of existing policy.~~ These commissioners are required to report back the decisions of the boards pertinent to or affecting the City's interests.

Commented [AB33]: do you mean the official city position?

- a. The Mayor may fill in, at any time, for a commissioner provided they give warning of their attendance or are asked to.

## Chapter 5 – Rules for the Public

Commented [AB34]: I haven't reviewed this

### A. Process Rationale

Commission meetings are first and foremost board meetings of the governing body of the city. The primary purpose is to conduct the business of the city. Since the Commission only meets regularly twice a month, and members of the commission have their contact information listed publicly, it is both encouraged and likely that concerned parties will have contacted staff or their elected officials at their pleasure and not have waited for a meeting to do so for the first time.

That said, the Commission finds it important to be accessible to constituents and the City Commission hereby enshrines a right of the public to provide suggestions, state concerns, or petition for redress of their grievances during regular commission meetings. There are some considerations regarding the local right hereby granted though:

1. Oregon public meetings law ensures the public's right to observe, but does not enable a right to comment during regular public meetings, except during public hearings. That said,

there is a strong tradition within Oregon to grant the privilege of verbal comment during regular meetings and to grant written comment before, during, and after meetings.

- a. Public hearings have a very specific and legal process that must be followed. If a comment is specific to an issue that is the subject of a public hearing, the public should hold their comments until the hearing is opened. Otherwise, legally, their testimony would not be part of the hearing record and would preclude their right to appeal. The mayor may cut off a speaker, inform them of the hearings process and delay their verbal testimony until the public hearing concerned is opened for verbal testimony.
2. Legally speaking, verbal public comment during a regular meeting is a privilege granted by the city commission/mayor, and is regulated by the mayor in length or by adopted rule.
  - a. The public always has a right to speak during public hearings, regulated for length or type of delivery.
3. The mayor always has the right to control the flow, time, and delivery of content to ensure the meeting runs smoothly.
  - a. This includes the requirement for persons to avoid repetitive testimony.
  - b. This includes the right to determine the amount of times, if any, a person may yield their time to give to another speaker.
  - c. This includes changing the time allowed for verbal testimony.
    - i. During public hearings, verbal testimony may never be shortened more than 1 minute a person.
    - ii. If the customary 3 minutes is shortened during a public hearing, mayor shall keep the written record open for at least 48 hours to enable those cut off to submit their complete testimony in writing.
4. There should be no expectation of commission discussion or formal voting unless or until it is placed on an agenda. At the least the public can expect the Mayor and/or Commission to direct staff to look into a matter if it's within the city's power/jurisdiction to effect.
5. Written testimony has no limits in length, and all written testimony submitted shall be retained under Oregon public records laws.

#### **B. Meeting Rights**

1. The public shall always be afforded the opportunity to address to the commission during regular meetings at a time set aside in the agenda for the public to comment.
2. The public has a right to observe all regular and special meetings where decisions are made, and all work sessions. This does not apply to executive session or meetings outside of those that require public notice.

3.

~~C.~~

Should we have an appendix A with an open letter from legal re: employee issues like what was recently issued?

City of Warrenton Rule of Procedure

Adopted X Date by Resolution X

Findings:

1. The Warrenton City Charter acts as the constitution of the City of Warrenton and, when not preempted by federal or state law, is the controlling law of the City.
2. The Warrenton City Charter Chapter IV Section 13 states the Commission "Shall adopt rules for the government of its members and proceedings."
3. Now therefore, the Warrenton City Commission adopts the following manual, "Warrenton City Commission Rules", to govern conduct of its members and adopts the following manual, "Warrenton City Rules of Procedure", to govern its proceedings.



# Warrenton City Rules of Procedure

## 1<sup>st</sup> Edition

Adopted X, x 2021

Resolution X

# 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 11<sup>th</sup> 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 11<sup>th</sup> 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.<sup>1</sup>
  - 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.

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<sup>1</sup> 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.<sup>2</sup>
  - 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 occur<sup>3</sup>, 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.

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<sup>2</sup> Warrenton City Charter Chapter V, §20 d

<sup>3</sup> 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. Official town halls that receive staff support shall be for civic education, providing information or gathering information from the populace. Staff time shall not be used for campaign or political events, unless they are volunteering on their own accord and within state and local law.
2. The City Manager shall attend official town halls.
3. The Mayor should preside over all official town halls.
4. The attendance of other staff shall be contingent upon the City Manager's approval.
5. 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 (11<sup>th</sup> 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 or a chartering document or tasking statement, a quorum shall be determined to exist when a simple majority of the elected or appointed members are present.<sup>4</sup>
- B. For advisory boards or Task Forces, unless otherwise required by their respective charters, a quorum shall exist when the majority of the members currently appointed are present. Vacant positions shall not count towards determining a quorum on any city board.
- C. 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 members<sup>5</sup>
    - 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.<sup>6</sup>
- 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

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<sup>4</sup> Warrenton City Charter Chapter IV, § 14 & 18

<sup>5</sup> Warrenton City Charter Chapter IV, § 14

<sup>6</sup> Warrenton City Charter Chapter IV, § 17

- f. Convene and adjourn the meeting

#### **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.<sup>7</sup>
    - 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 City Manager may consult with the Mayor on the timing of agenda items, but is not required to.
- C. The Mayor may add items to the agenda, or have specific ones postponed to another meeting, 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.
- D. Two commissioners may request an item be added for discussion, but only the full commission, Mayor, City Manager, or City Attorney may make it a business item.
  - a. The commissioners shall make the request through the City Manager or Mayor of what they wish to have added to the agenda no less than seven days before the meeting when the matter is considered.
- E. 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

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

- 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 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
      - b. No votes may be made in Executive Session.
    - k. Adjournment
- F. 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.
- G. 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.
- H. The presiding officer may, at the start of the meeting, change the order in which certain agenda items are considered with unanimous consent.
- I. 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 from a meeting is grounds for removal for that specific meeting, or if multiple meetings are to occur and the offense is considered severe enough, it may be for all

- meetings that day. Trespassing a person from a public meeting may not occur longer than for a day except when an opinion from the City Attorney provides for a longer trespass.
- 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 gives cause for removal, or actively 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. The offender(s) shall leave immediately upon being ordered.
    - b. If the offender(s) does not leave, the Sergeant-At-Arms shall trespass the offending individual
    - c. 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. Cause for removal:
    - a. The following is to illustrate examples warranting removal:
      - i. The use of unreasonably loud or disruptive language
      - ii. Making loud or disruptive noise
      - iii. Engaging in violent or distracting action
      - iv. Willfully damaging the furnishings or interior of the meeting chambers
      - v. Repeated refusal to obey City Commission adopted rules
      - vi. Refusal to obey limitations in occupancy or seating capacity
      - vii. Refusal to obey an order of the presiding officer, or of a legitimate order by the majority of the board
      - viii. Any other disruptive or intentionally distracting behaviors which obstruct the conduct of business
  - F. Any member of a board, **except the City Commission**, whose behavior continually violates formal rules, sabotages the meetings or 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 submitted to the Mayor within 24 hours of its occurrence for review and potential remediating action up to and including removal of the offending member from the board.
  - G. Whenever practicable, the presiding officer or majority of the board shall give a warning to the offender.
  - H. 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.

## **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. Two-Thirds Vote

- a. A two-thirds vote requires two-thirds of the votes cast must be in favor to win.
- b. This only applies to boards with more than 5 members.
- c. This is required for motions that restrict or expand rights of members, or other motions as set forth by rule.
  - i. Amendment to the Rules of Procedure
    1. All members are required to have been noticed to ensure they have time to comment in case they are unable to attend the meeting.
  - ii. Suspension of the rules
  - iii. Objection to consideration of question
  - iv. Limit/Close Debate
  - v. Debate/Discussion extension

### D. Plurality Vote

- a. A plurality vote means that the person or proposal receiving the most votes wins, regardless if a majority of votes.
  - i. E.g. A vote to decide the vice chair of a 5 member board.
    1. 1 vote for Alex, 1 for Chris, 2 for Jane, and 1 Max; then Jane becomes vice-chair.
- b. This is usually only for selecting vice-chairs/mayor pro-tem or any decision decided by a ballot of the membership.<sup>8</sup> Outside of such selections, it can be used only when the majority vote of a board decides to use plurality voting on a particular item.

### E. 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.

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<sup>8</sup> Warrenton City Charter Chapter III, § 9

- 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.
- F. 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.
- G. 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.

H. Voting methods

Method	Language to Use	
	<i><b>In Favor</b></i>	<i><b>Opposed</b></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.	

## **VIII. Debate/Discussion**

- A. The purpose of debate and discussion is to ensure a full vetting of policies and proposals in public. That said, members should 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. The maker of a motion may speak first during debate.
- E. 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.
- F. Members shall confine themselves to the question under debate.
- G. Members may not speak about the motives of other members.
- H. Neutral language should be used to avoid inflammatory remarks.
- I. Members should not explain their votes while voting. This is to save time and because explaining a position is the same as debate.
- J. Members should not criticize prior decisions of the body unless they are proposing an alternative.
- K. 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 refrain from taking longer than 5 minutes at a time to state their point, but can speak longer at the discretion of the chair or the full board.
  - b. Members may 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 allowed to participate in debate unless rules specific to that board prohibit it.
- L. Members have a right to pass and not speak.
- M. Members have a right to yield their time to another member speaking, but a member speaking may not ask for someone to yield their time.

## **VIII. 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 jurisdiction.
  - 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 legion 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, (s)he cannot state in debate that the other's statement 'is false.' But he might say, 'I believe there is strong evidence that the member is mistaken.' 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."
    - ii. E.g. Another common example is if a member casually raises the specter of a crime having been committed with little evidence or in an allusive manner— with no actual charges. This poisons the atmosphere and worsens relations between elected officials and staff. If a staff member is suspected of committing a crime such as embezzlement, it should be alerted to the proper authorities or

an executive session to consult with the city attorney should occur. Accusations of crimes in public both serious and casual should be avoided by individual members until there is hard evidence and an actual action is before the board—generally only the City Commission has this power.

- H. Members may 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 withdraw it.
  - b. They may acknowledge pros and cons of their motion provided it argues for its passage.
- 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. Members may not criticize a prior action of the group (the dead horse rule).
  - a. It is the general duty of loyalty that members owe to the organization. If a member is not going to take steps to change a situation by motion or a proposal, it is not worth discussing in meetings.
  - 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.
  - c. If a member was on the prevailing side of a change, it does the group no good to continue dwelling on how bad the past. It behooves the member and organization to focus on the improvement of the present and future.
- K. Members must support the group.
  - a. A member should not make statements which tend to “injure the good name of the organization, disturb its well-being, or hamper it in its work.”
    - i. The idea is that board members have their opposition on the record by their recorded vote in the minutes or by an opposition statement.
  - b. If a member is unable to support the board of which they sit, or feel a need to continually undermine the board (which is different than vote or voice dissent as appropriate under these rules), it is time for the member to leave the board.
  - c. Appointed members should refrain from making political statements to the public that damage or harm the city or make pot shots at the City Commission or staff. If there is concern of misconduct it should be brought through the appropriate channels with evidence—not levied for the first time in a meeting.
  - d. It is recognized that elected officials cannot technically be muzzled in this manner, but by agreeing to these rules may be held accountable to the City Commission for their remarks under whatever rules the City Commission adopts.

## 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 [REDACTED].

### 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 [REDACTED] minutes.

- “Is there anyone present wishing to speak in favor of [REDACTED]?”
- “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



# Policies and Procedures For Citizen Boards

City of Warrenton

1<sup>st</sup> 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.

#### ***2.15 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's 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.

### **3.2 Planning Commission Special Note**

Due to the sometimes-contentious nature, frequency of citizen interaction, and legally binding decisions made by Planning Commissioners, it can often create the feeling that Planning Commissioners are accountable or answer to a constituency. *It bears repeating* that only City Commissioners are elected or recalled by voters and as such are the *only* board in the City that can claim it has a constituency. Planning Commissioners must seek to apply the laws in force at the time. If a particular applicant dislikes the result, they may appeal to the City Commission. That is the process by design. Planning Commissioners serve at the pleasure of the City Commission and should keep this in mind and follow the process within their discretion to decide. If they dislike a particular code or requirement, they are bound to uphold it, but if it is desired to change what they dislike, they may develop and vote on a recommendation to repeal, amend, or replace a land use law or policy. It is encouraged for Planning Commissioners to continually be reviewing the code and to discuss anything they see necessary and proper.

## **Chapter 4 Conduct**

### **4.1 Service**

Board members serve at the pleasure of the City Commission. Members should exercise judicious 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. Individuals should not use their title as a member of a city board to disparage decisions of the board once a formal recommendation has been made.

### **4.2 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.

#### ***4.25 Process of Forwarding***

All letters of dissent shall be included with the meeting packet under the agenda item to which they pertain 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 the board. 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 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 committee 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're 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.<sup>1</sup> 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

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<sup>1</sup> 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.

Decisions should be based on the merits of the issues and reached by independent and objective judgment. All city board members should avoid accepting benefits from those seeking to affect decisions and must disclose all conflicts of interest. Beyond the policy requirement of disclosure, City and Planning Commissioners are legally required to avoid financial conflict of interest and may not vote when they have accepted benefits from people with an interest in their decisions as enumerated by Oregon ethics law.

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 voter per person. Making such promises not only compromise 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 they must recuse themselves from the meeting for that particular item, refrain from partaking in the discussion completely, and ideally step outside of the meeting room, outside of view from the board. The requirement to step outside of the meeting room is one of city policy. Once the item is decided or public hearing closed, the conflicted member is to be invited back into the meeting to participate normally.

##### ***4.65 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 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**

The City is relatively relaxed in its dress code, but prohibits the following manners of dress by its elected and appointed members, as well as persons acting in a staff capacity during meetings. This ensures an appearance of neutral bearing conducive to the free flow of ideas and debate:

- a) Clothes that say offensive items or uses crude language.
  - a. This is defined as language that uses curse words, or words not considered widely suitable for children; or that which attacks a private or public person or entity.
- b) Political clothing, buttons or any such items that take a position or support a candidate or cause for election.
- c) Clothing that is so revealing as to be easily mistaken (or be) a bathing suit.
- d) Clothing that distracts the board or is patently out of place in a public meeting setting.
- e) Excessively dirty clothing or clothing that produces an offensive odor.

The following clothing is explicitly allowed:

- a) Clothing required due to a medical condition or procedure.
- b) Maternity or nursing clothing when a mother is expecting or nursing.
- c) Work uniforms, including military uniforms of those actively serving.

The general rule of thumb is for clothing to be tactful and appropriate to the occasion. The City does not expect its members to wear suits, nor shall it require it.

#### ***4.75 Application to the Public***

The dress code does not apply to the public.

## **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 inexcused.

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 become a major distraction or otherwise inhibit the business before the board. It is preferable if the member is able to get childcare, as the city is not able to provide it, but 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 can 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 distraction within the meeting. Children should not run about, deface public property, or otherwise create a safety or property hazard. Children may be allowed to eat provided they are mature enough to not create a mess, or that there is a blanket or matt that protects the meeting space from difficult cleaning tasks resultant from impacted or crumbling foods.

## **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 Special Note on the 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. It’s first function is to decide land use matters before it, but it’s 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.

## **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, at all times available in the Commission Chambers, one printed copy of the printed 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.<sup>2</sup>

## **Chapter 10 Conduct**

### **10.4 Right to Challenge Impartiality**

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

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<sup>2</sup> 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.

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**

If a chairperson is 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.

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.<sup>3</sup>

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 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 impugns the character of a member personally during a public meeting and refuses to immediately recant and

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<sup>3</sup> 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.

apologize. In both cases the Mayor will have likely relied on staff or a formal complaint. The Mayor may not censure or suspend members for unproven inuendo, or unsubstantiated rumors. It requires a formal complaint from an aggrieved party or word from staff.

The Mayor is under no obligation to act unilaterally and may bring the issue(s) for the commission to weigh and decide if the Mayor chooses so. The general policy 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 when the city's safety and welfare is threatened.

## **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 upstanding examples of citizens within the city. They should refrain from ever using their title or position on a city board outside of meetings or official business. Additionally, they should not post unauthorized opinions on social, print, radio, or internet media using their titles within the city.

### **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.

### **12.21 *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 for such causes.

## **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.

Board Recommendation Template.

Board, Recommendation or Memo Title, Date of writing, and date of decision. Authored by/from:

Purpose: Why this memo is being issued, was it a City Commission mandate or an original idea or suggestion, or a constituent suggestion.

Recommendation: note fiscal issues, if any and fiscal impact of recommendations if any.

Effect on Existing Policy:

Priority: Low, Normal, High, Urgent

Signed,