

RESOLUTION NO. 2015-08  
A RESOLUTION ESTABLISHING COUNCIL RULES AND RESCINDING  
RESOLUTION NO. 2011-19, A RESOLUTION ESTABLISHING COUNCIL RULES

WHEREAS, the City recognizes the value of well conducted meetings and guidelines of conduct; and

WHEREAS, Section 10 of the City of Creswell Charter states that the Council, by resolution, must adopt rules consistent with state law, to govern its meetings; and

WHEREAS, the City now wishes to establish Council Rules to ensure such conduct;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Creswell that:

Section 1. AUTHORITY

- 1.1 The Charter of the City of Creswell in Chapter III, Section 10, Rules, specifies: "The Council, by resolution, must adopt rules consistent with state law, to govern its meetings".
- 1.2 The rules adopted in this resolution shall be in effect upon their adoption by the council and until such time as they are amended, added to, deleted or replaced in the manner prescribed by these rules.
- 1.3 These rules apply equally to the Mayor and Councilors.
- 1.4 These rules are to be observed in addition to and may not be contradictory to the current City Charter.

Section 2. THE MAYOR AND COUNCIL

- 2.1 The Mayor and Council (hereafter, Council) are the policy making body of the City.
- 2.2 Councilors have no authority when acting as individuals. Authority to make decisions and/or create policy for the City resides solely with the majority vote of the Council. Council decisions which are not unanimous are still the official policy of the City.

Section 3. COUNCIL MEETINGS

- 3.1 Regular meetings of the Council will be held the first Monday after the first Tuesday of each month at 7:00 p.m. and at such other additional dates and times as the Council shall determine. Unless otherwise provided, regular meetings shall be held in the McCluskey Chambers at City Hall.
- 3.2 Time and date of the regular Council meetings may be changed for special circumstances, to facilitate work sessions or in order to have a quorum of Councilors at the meeting. Regular meeting notice requirements must be followed.
- 3.3 Council work sessions are typically held on the Monday two weeks after the regular Council meeting each month at 6:00 p.m. in the McCluskey Chambers

at City Hall.

- 3.3 Special meetings as defined by ORS 192.640(3) of the Council may be called at any time on the request of three members of the Council, by the Mayor, or by the President of the Council in the Mayor's absence, by giving notice of the meeting to the Council members and the public at least 24 hours in advance.
- 3.4 An emergency meeting of the Council is a Special Meeting which can be called when less than 24 hours notice can be given. The minutes need to state the nature of the emergency. Emergency meetings may be held by consent of a majority of councilors. An attempt must be made to notify the public or the press of the need for this emergency meeting. Only the emergency matter(s) giving rise to the need for an emergency meeting may be considered.
- 3.5 Workshops and trainings of the Council may be held at the convenience of the Council at a time when as many as possible can attend. These workshops and trainings may be held out of town so long as no decision-making or deliberation occurs.
- 3.6 Executive sessions may be held by the Council pursuant to ORS 192.640, 192.650, 192.660 and 192.670. Staff members may be permitted to attend. Normally the City Administrator and City Recorder are required to attend.
- 3.7 Public meetings of the Council shall be held in accordance with ORS 192.610 thru 192.710. All regular and special meetings will be open to the public and provide an opportunity for public input.
- 3.8 Councilors should inform the Mayor, City Administrator, or City Recorder if unable to attend any Council meeting. The Mayor will inform the Council President if unable to attend any Council meeting.
- 3.9 The Mayor may excuse the attendance of a member of the Council at any meeting for illness, vacation or other reasonable cause. The Mayor shall determine if an absence is unexcused. The absence of a member of the Council shall be recorded in the minutes as either excused or unexcused.
- 3.10 With prior arrangements approved by the Mayor, a councilor may attend a regular meeting or work session electronically.

#### Section 4. AGENDA AND ORDER OF BUSINESS

- 4.1 An agenda for each regular Council meeting and work session shall be prepared by the Mayor and City Administrator. The City Council may direct, by consensus, that specific items be included on the agenda. A City Councilor may also request an item for a future agenda. New agenda items will be discussed first at Council work sessions. The procedure for a City Councilor to place an item on the agenda is as follows:
  1. A City Councilor may request an item for a future agenda by submitting the proposed item on a completed form created by the City Administrator for such purpose. The form shall be a simple form that requests a brief written description of the proposed item and the purpose of the item. To be considered at the next regularly scheduled work session, the form shall be submitted to the City Administrator not less than eight business days prior to the meeting. At the work

session, the City Council will review the request and determine whether to place it on the agenda for the next regular Council meeting, direct it to the Administrator or a Council Committee for further review, or take no further action on the request.

2. If the proposed item is not approved, it may not be proposed again for consideration for 6 months.

3. Agendas and informational material should be distributed to the City Council at least 3 calendar days prior to all regular meetings and work sessions.

4.2 The normal order of business for a regular Council meeting shall be as follows:

Open Regular Meeting

Pledge of Allegiance

Public Forum

Mayor's Report

Public Hearings as Needed

Correspondence

Consent Calendar

Administrative Report

Council Action Items

Upcoming Meetings and Events

Adjournment

Note – If required, an Executive Session can be placed on the City Council Agenda

Although the normal order of business for a regular Council meeting follows the format as presented below, the agenda may be modified by the Mayor or by vote of the City Council in order to allow for a more efficient meeting and to allow the public to participate and be aware of the decision rendered without undue delay. For example, an Ordinance may be moved for action immediately after the public hearing is held, rather than waiting for it to come up as an action item under administration.

4.3 City Council work sessions will normally include the following items:  
Pledge of Allegiance, Presentations, Reports from Committees, Commissions, and Boards, Councilor New Business and Future Agenda Items

4.4 The Chair may consider agenda items out of order as the Chair deems necessary to facilitate the efficient management of the agenda.

4.5 Any Councilor may have an item placed on the Council agenda, in accordance with the provisions of Section 4.1. Any Councilor may request, if responsible for an agenda item, postponement of the item to another meeting if the Councilor cannot be present at the meeting at which time the item is scheduled. Any three Councilors can request that an item be postponed to the following meeting. Further postponement requires a majority vote of the Councilors present.

## Section 5. PROCEDURE FOR COUNCIL MEETINGS

5.1 The current edition of Robert's Rules of Order Revised shall be used as a general guide for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's rules shall be necessary and approved by the Council.

- 5.2 The City Council agrees to be clear and simple in its procedures and considerations of decisions before it. The Council shall avoid invoking the finer points of parliamentary rules to obscure issues and arouse audience suspicion at public meetings.
- 5.3 Council Meetings shall be chaired by the Mayor, if present, if not; the President of the Council shall serve as Chair. If neither the Mayor nor the President of the Council is present, the City Administrator shall call the meeting to order and those Council members present shall elect a Chair pro tem for that meeting. At any meeting, the Chair may appoint another member of the Council to serve as Chair for part or all of the meeting.
- 5.4 Every Councilor desiring to speak should first address the Chair, and await recognition to obtain the floor.
- 5.5 No motion shall be debated, except by the maker, until it has been seconded and announced by the Presiding Officer
- 5.6 Members of the public desiring to address the Mayor and Council during the public forum portion of a regular Council meeting shall first complete a speaker registration form developed by the City Administrator. The speaker registration form shall be a simple form that seeks the speaker's name, address, and an indication of the topic to be discussed. The forms shall be provided to the City Recorder prior to the public forum portion of the meeting. This procedure will allow the Mayor to plan for and provide adequate time for each agenda item during the meeting. During the public forum, members of the public will be recognized by the Mayor from the registration forms and shall state their name for the record. Each person shall have up to three minutes to present their comments, with the total time for public forum not to exceed thirty minutes. Groups with like comments should choose a spokesperson who will present their joint remarks.
- 5.7 Councilors should refer people with questions or concerns to the City Administrator. If they are not satisfied with the results of that communication they should submit a letter to the City, in the office of the City Recorder. They may also present their concern during the public forum at a regular council meeting.
- 5.8 Public comment is welcome at regular Council meetings and work sessions. Comment by members of the public must be directed to the topic then under discussion. A member of the public wishing to address an item not otherwise listed on the agenda may do so only during Public Forum. Any remarks and questions regarding personnel or administration of the City shall be referred to the City Administrator by the Chair. The Chair may redirect other questions to a City Councilor or the City Administrator, as appropriate.
- 5.9 Councilors may address questions to the City Administrator, who may either answer the inquiry or designate a staff member to do so. Councilors are encouraged to present their questions to the City Administrator prior to the meeting when possible
- 5.10 When a quorum is present, a majority of the Council present and voting shall decide a motion.

- 5.11 Duty to Vote: Unless confronted with an actual conflict of interest every member present when a question is taken, shall vote.
- 5.12 Conflicts of Interest: In every case in which a Councilor is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the nature of the conflict, shall remove themselves from the Council table and refrain from participation in both the discussion and the vote on the issue.
- A. An actual conflict of interest is any action, decision, or recommendation that would grant a private pecuniary benefit to the Councilor or help the Councilor avoid a private pecuniary detriment. This same standard applies to relatives of the Councilor or any business with which the Councilor or Councilor's relative is associated. (ORS 244.020(1)).
- B. A potential conflict of interest is defined as any action, decision, or recommendation which could have a private pecuniary benefit on the Councilor or allow the Councilor to avoid a private pecuniary detriment. This standard also applies to relatives of the Councilor or any business with which the Councilor or Councilor's relative is associated. (ORS 244.020(12)).
- 5.13 The vote on every motion shall be taken by a show of hands, voice vote or roll call and entered in the meeting minutes. Any other questions before Council shall not require a recorded vote unless requested by any Council member. A member's explanation of their vote shall not be in order during a roll call.
- 5.14 A motion fails in the event of a tie vote.
- 5.15 A Councilor who votes on the prevailing side of a motion may move for reconsideration of any vote. This motion must occur during the meeting or at the very next scheduled Council meeting.

## Section 6. DECORUM AND ORDER

- 6.1 The Chair shall preserve decorum and decide all points of Order, subject to appeal to the Council.
- 6.2 The Councilors shall help the Chair preserve decorum during Council meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the directions of the Chair or these Council Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attack, 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.
- 6.3 Members of the administrative staff, employees of the City and other Persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.
- 6.4 Any person who engages in disorderly behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of any city council meeting shall, upon an order by the Chair or a majority of the city council, be barred from further audience before the city council during that meeting. Whenever practicable, the Chair or a majority of the city council shall give a warning to the person who is

being disorderly. 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 public safety.

- 6.5 If a meeting is disrupted by members of the audience, the Chair may order that the Council Chamber be cleared and a recess called until order is restored.

#### Section 7. CENSURE

7.1 The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, by majority vote, may discipline that Councilor to the extent provided by law, including public reprimand.

7.2 To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council, either in open meeting or in executive session, to discuss any finding that reasonable grounds exist that a substantial violation has occurred.

#### Section 8. CODE OF ETHICS

8.1 Councilors shall comply with all applicable provisions of the State of Oregon's Government Ethics Laws, as established in ORS Chapter 244 and incorporated herein by reference.

8.2 Councilors are encouraged to 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. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to ensure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station, religion, marital status, familial status, domestic partnership status, sexual orientation, source of income, and disability status.

8.3 If the Mayor or Councilor represents the City before another public body, governmental agency, community organization or with the media, the Mayor or Councilor must always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes clarification that these statements do not represent the position of the City Council. Communication of personal opinions and comments should not be accompanied with a statement of the author's status as a member of the Council.

#### Section 9. COUNCIL RELATIONS WITH CITY STAFF

9.1 There will be at all times mutual respect from both Councilors and staff of their respective roles and responsibilities. This will be especially true when criticism is being expressed in a public meeting.

9.2 The Council sets city policies and goals. The staff implements and administers the policies and goals.

9.3 During a City Council meeting, all requests for information go directly to the Chair or City Administrator. At other times, if the request for information would

entail an effort that would require time to be spent in researching and/or preparing a response, the request goes directly to the City Administrator. The City Administrator will direct the request to staff, the City Attorney or respond to the request themselves. Questions or complaints regarding staff go directly to the Mayor or City Administrator.

- 9.4 City Councilors seeking information about the operation of various City departments will direct their questions to the City Administrator. Councilors must not attempt to change or interfere with the operation or practice of any City department or personnel.

#### Section 10. COMMITTEES

- 10.1 The mayor with consent of the council may establish by resolution ad hoc or standing committees to perform specified investigatory or advisory functions. Any authority granted to such committees shall be clearly delegated in the resolution creating the committee.
- 10.2 A Citizens Committee may be appointed for the length of time necessary to accomplish their mission. The appropriate number of appointees may be determined at the time of appointment, in a manner consistent with Section 10.1.
- 10.3 Council Committees serve only in an advisory capacity to the City Council and shall meet on an as needed basis as directed by the City Council. After City Council direction is given, meetings may be called by the City Administrator, the Mayor or by the Committee Chairman. A secretary shall be appointed by a majority vote of the Committee at its first meeting after Committee appointments are made. A majority of the members of a committee shall constitute a quorum to do business.
- 10.4 The Mayor, with the consent of the Council, may remove a member from any city committee or commission prior to the expiration of the term of office. Reasons for removal may include, but are not limited to: missing three consecutive regular meetings of the committee or commission, disruptive or inappropriate behavior prior to, during, or after committee or commission meetings which prohibit the advisory body from completing its business in a timely manner or not acting in the best interest of the citizens or city.
- 10.5 Members of the Council shall not attempt to lobby or influence board, committee, task force or commission members on any items under their consideration. It is important for City advisory bodies to make objective recommendations to the Council on items before them. Councilors that attempt to influence board, committee, citizens committee or commission members on an item may prejudice or hinder their role in reviewing the recommendation as a member of the Council.
- 10.6 All meetings of any City Boards, Commissions, Task Forces, or Council Committees shall be subject to and comply with the Oregon Public Meetings Law, ORS 192.610-192.710.

#### Section 11. CONFIDENTIALITY

- 11.1 Councilors must keep in complete confidence all written materials and verbal information provided to them in confidence or learned in executive session, 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 Councilors, the City Administrator, or City Attorney.

11.2 If the Council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending or likely claim or litigation, and/or employee negotiations, all contact with the other parties shall be made by the designated staff representative handling the negotiations or litigation. A Councilor shall not have any contact or discussion with the other party, or its representative involved with the issue, nor communicate any discussion conducted in executive session.

11.3 Public statements, information, or press releases on city matters will be handled by the Mayor or the City Administrator, as appropriate.

Section 12. SUSPENSION OR AMENDMENT OF COUNCIL RULES

12.1 Any provision of these rules not governed by State law or the City Charter may be temporarily suspended by a majority vote of the Council.

12.2 Amendments, deletions or additions to these Council Rules shall be by Resolution approved by the City Council.

Section 13. SEVERABILITY

13.1 The Councilors agree that if any term or provision of the rules is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the rules did not contain the particular term or provision held to be invalid.

Passed by the Council and approved by the Mayor this 13th day of April, 2015.

  
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David Stram, Mayor

Attested:

  
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Roberta J. Tharp, City Recorder