

# City of Cornelius

## City Council Guidelines and Rules

### 2008

# CORNELIUS CITY COUNCIL GUIDELINES

As a member of the Cornelius City Council I will:

- Trust and respect the opinions of fellow Council members, and, I will be well informed and participate in the decisions of the Council.
- Accept responsibility to attend all Council meetings and committees assigned.
- Fulfill obligations to share with other Council members the information on the committees as required.
- Provide appropriate notification to the Mayor, Council President or City Manager of an absence as soon as practical prior to the meeting time.
- Not disclose information which is confidential and, when asked by the public for information that is still confidential, will state that the information is confidential.
- Make every attempt to resolve any conflict with a fellow Council member prior to bringing the conflict to the attention of the Council.
- Make the citizens and visitors comfortable and part of the process at the meetings by being courteous and respecting their opinions.
- Do my best to communicate in clear, concise and audible language and written communications.
- Make sure my tone of voice is friendly and sincere.
- Honor and act on all requests for action and/or information in a timely and courteous manner.
- Discuss issues, but not personalities with non-Council members.
- After an issue has been voted on, I will speak for myself carefully, in a manner that does not undermine the integrity or motives of the Council, even if my opinions are different from the Council's decision. In quasi-judicial matters, I will explain the reasons why I cast a negative vote when I am in the minority.

# Cornelius City Council Rules

**Council need rules to decide questions on debating, voting, membership, attendance and agendas. The rules are intended to serve as a guide for the Council. One of the missions of the City Council is to work with the residents of Cornelius and provide a positive atmosphere at Council meetings. These rules provide the basic outline required to work together. Ultimately, the Council may need to vary from these rules from time to time to best serve the public interest and the first rule provides the Council with that authority.**

**COUNCIL FINAL AUTHORITY ON GUIDELINES AND RULES:** All questions regarding the rules shall be resolved by majority vote of the Cornelius City Council.

## CALL TO ORDER

**Mayor's Duty:** The Mayor shall call the Council members to order at the hour designated for the meeting. Should there not be a quorum present, it shall be the duty of the City Recorder to immediately inform the absent members, except those known to be unavoidably absent, that their presence is required to enable the Council to proceed with business. Should there not be a quorum within 15 minutes the members present shall adjourn until a quorum can be gathered or to the next regular meeting time established by the Council.

**Mayor's Absence:** If the Mayor is absent, the President of the Council shall call the Councilors to order. If both the Mayor and Council President are absent, the Councilors present shall agree on someone to serve as Chair and this person shall call the Council meeting to order.

**Quorums:** A quorum is defined in the City Charter.

**Entire Membership:** It is the interpretation of the City that when the Charter refers to the entire membership of the Council, that membership shall be the entire four Councilors and the mayor elected at large. Absence from a particular meeting does not affect the required number for the majority of the entire membership. However, if an office is vacant, that office shall not be counted when counting the entire membership of the Council.

## ROLES

**Mayor's Role:** The Mayor shall preserve order and decorum, may speak to the points of order in preference to other members. If two or more members request the floor at once, the Mayor shall name who is to speak first.

**Address the Presiding Officer:** When any member is about to speak in debate or deliver any matter to the Council, that member should respectfully address the presiding officer and should confine the remarks to the question under consideration and avoid personalities.

**Voting Required:** Every member who is present when a question is addressed shall vote for or against the question unless the Council excuses them; or, for just legal cause without being excused by the Council.

**Discussion on Agenda Items:** Discussion may occur at any time on an item.

**Sergeant at Arms:** The City Manager may designate a Sergeant at Arms as necessary.

**Parliamentarian:** The City Recorder or designee will serve as the Parliamentarian. The Parliamentarian shall decide all questions of order subject to an appeal to the Council for a decision.

### **SPECIAL MEETINGS, AGENDAS AND ADDITIONAL ITEMS FOR COUNCIL CONSIDERATION**

**Special Meetings:** Special meetings may be held at any time upon the Mayor's own motion or at the request of three (3) members of the Council. All meetings of the Council shall be called, noticed and held in accordance with the Rules of the Council, the Cornelius City Charter and the Open Meeting Laws of the State of Oregon.

**Time for Submission:** Items for the Council agenda shall be submitted in time to allow for sufficient research by staff and recommendations from subcommittees or advisory committees of the City Council.

**Reports to be Provided:** Normally, the Mayor and each Councilor shall receive a report on each Council item to be considered by the Council at least 48 hours prior to the Council meeting.

**Additional Items:** The City Manager may, after consulting with the Mayor or presiding member, up to 48 hours prior to the meeting, send out additions to the agenda with the appropriate documentation and information. The Council may add the items not on the agenda by a majority vote. Action may then be taken on the item.

**Consent Agenda:** The City Manager shall place items which have been previously reviewed by the City Council or items which are obviously routine in nature on the Consent Agenda. Items may be removed from the Consent Agenda by the Mayor or by a majority vote of the City Council. Ordinances shall not be placed on the Consent Agenda.

**Council Items and Public Input:** Council members should bring to the formal Council meeting items for discussion with the Mayor and City Manager. Any item brought before the Council from the public during the Communications from the Floor part of the agenda, should be referred to the staff for appropriate action and a report returned to the Council and the public citizen who expressed those concerns. Such procedure should not prevent the staff, Mayor, or City Council from answering directly to a citizen inquiry at the time it is brought before the Council.

**Communications from the Floor:** Persons speaking to the Council from the floor will be given the opportunity to speak for not less than three (3) minutes nor more than five (5) minutes; and speakers may share their time for a maximum of 15 minutes, at the discretion of the Mayor or presiding officer. The Mayor may extend the time limit. Speakers may address the Council for less than their allotted time.

Speakers are encouraged to submit information in writing at least ten (10) days prior to the Council meeting for the Council's review. Speakers may also submit information at the meeting, but it may or may not be read and considered by the Mayor and Council.

**Agenda Availability:** Council agendas are available for inspection at the Public Library, the City Administration Offices and on the City website prior to the City Council meeting. Interested residents are encouraged to read the agenda along with supporting material, and address questions to the Mayor, City Council or City staff prior to the meeting. The Mayor and Council value public input. In order to efficiently conduct the City's business, those who have concerns are encouraged to address these issues prior to the Council meeting.

## **RECORDS**

**City Recorder:** The City Recorder shall be the ex officio clerk of the Council, attend all its meetings unless excused, and keep an accurate record of the proceedings of the Council meetings. The City Manager appoints and supervises the City Recorder and may appoint such deputy city recorders as may be needed.

## **ATTENDANCE**

**Attendance Duty:** It is the duty of each Council member and the Mayor to attend all meetings of the Council. The Charter provides in Section 32 that an office will be deemed vacant upon the absence from meetings of the Council for sixty (60) days, or the absence from the City for thirty (30) days without the consent of the Council. The consent of the Council for such absence must be in writing and obtained prior to such absence. Consent will be given for good cause.

**Excused Absence:** When any Council member cannot attend a meeting of the Council, the member shall notify the Mayor, Council President or City Manager prior to the meeting. If the absence is for good cause, the absence shall be listed in the minutes as excused. If the absence is not for good cause, or prior permission is not obtained, except in the case of an emergency, the absence shall be listed in the minutes as unexcused. If any member has two unexcused absences from Council meetings or sub committee meetings of the Council, the Council may request an explanation at a regular meeting.

**Filling Vacancies:** The City Charter provides for filling vacancies in elective offices of the City.

## **AGENDAS, MEETING TIME AND PLACE**

**Meetings of the Council:** The Council shall conduct at least one meeting per month.

**Meeting times and location.** The Business Meetings of the Council shall be regularly held in the City Council Chambers on the first Monday of the month, unless that Monday is holiday in which case it will be held the following evening. The Council Business Meeting and subsequent adjourned meetings shall begin at 7:00 P.M.

**Telephonic/Electronic Meetings.** Council members may participate and vote in Council Meetings via telephone, electronically, or by other means consistent with Oregon Public Meetings Law.

**Business Meeting Agenda:** The order of business and the agenda of the City Council Business Meeting is as follows:

- I. Call Meeting to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Consent Agenda
- V. Appearance of Interested Citizens
- VI. Appointments
- VII. Presentations
- VIII. Public Hearings
- IX. ~~Old~~ Business
- X. New Business
- XI. Reports
- XII. Council Announcements
- XIII. Executive Session (if necessary)
- XIV. Adjournment

The Mayor may, at his/her discretion, change the order of the agenda concerning Communications from the Floor and allow communications concerning items on the agenda or other Council business.

**Work Session Meeting:** The City Council, from time to time, may hold a study session at a location to be determined based on facility availability. The purpose of the study session is to explore and analyze issues and confer with staff or other experts. The Work Session agenda shall be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Presentation of Information
- IV. Discussion and Questions
- V. Executive Session (if necessary)
- VI. Adjourn

These work sessions are open to the public and the public is welcome to attend. Public input will not be taken except with specific permission of the Council. Minutes of the work session shall be kept by the City Recorder.

**Joint Meeting or Community Forum Meeting:** The City Council may hold, from time to time, meetings with other governmental entities or an open forum to discuss issues, relationship, strategic plans, or controversial issues. The agenda for these meetings shall be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Joint Meeting or Community Forum Agenda
- IV. Summary and Closing Comments by Council and Mayor

## V. Adjourn

The purpose of this meeting is to listen and communicate. Comments from the public would be invited during item III. Minutes of the joint or community forum meeting shall be kept by the City Recorder.

### **MEETING DECORUM**

#### **Council Discussions and Decorum:**

1. Council members will conduct themselves so as to bring credit upon the city government by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks, or impugn the motives of any speaker.
3. The following ground rules will be observed to maintain order and decorum during Council discussions:
  - a. Council members will gather necessary information and ask questions of city staff before meetings.
  - b. Council members will have an opportunity to speak at least once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
  - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
  - d. During public meetings, amendments to proposed ordinances may be appropriate, with input from the City Manager or the City Attorney to accomplish the Council members' objectives.
  - e. Council members will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
  - f. Council members will limit their focus and involvement to city/regional issues.
  - g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.

- h. Council members will not disguise statements as questions or use repetitions as a way to convince others.
  - i. Council members will keep discussions moving and call for a “process check” if the Council becomes bogged down in discussions.
  - j. Council members will set and adhere to time limits on discussions.
  - k. Council members will not criticize or attack each other, city staff or other persons.
  - l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.
4. Public Comment.
- a. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Mayor may request that groups with like comments choose a spokesperson to present joint remarks.
  - b. During public hearings, all public comment should be directed to the question under discussion and addressed to the Mayor representing the Council as a whole.
  - c. In general, Council members will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing on a future agenda.
5. Council adopts the use of Roberts Rules of Order except where these rules, or the City Charter, or City Ordinance require otherwise.

**Motions:**

- 1. General.
  - a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.
  - b. The motion maker, Mayor, or Manager should repeat the motion prior to voting.
  - c. Most motions die if they do not receive a second. Motions not requiring a second include division, point of order, parliamentary inquiry, permission to withdraw or modify a motion and other such procedural inquiries. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion. When a motion is seconded, the mover may withdraw the



motion with the consent of the second at any time before discussion and before any amendment is proposed.

d. Discussion of a motion is open to all Council members who wish to address the motion. A Council member may speak more than once on each motion. A Councilor must be recognized by the Mayor before speaking. If an item in debate contains several points, any member may have it divided. The member who made the original motion shall have the right to designate the order of voting for each separate item.

e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflict of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion. A roll call vote is required to adopt an ordinance

f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes must do so briefly and succinctly.

2. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.

3. Tie. A motion that receives a tie vote fails.

4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.

5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.

6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have at least one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds' vote. Debate may continue if the motion fails.

7. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.

8. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at

the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

### **Council Member Conduct:**

1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:

- a) Whether the statement reflects personal opinion or is the official position of the City; and
- b) Whether the statement is supported by a majority of the Council.

If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

2. Censure.

a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.

b. The Council may investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

### **Confidentiality:**

1. Council members will not keep written materials provided to them on matters of confidentiality under law. This is to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.
2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules

## **Bias and Disqualification:**

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.
2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.
3. If the Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

## **Ex Parte Contacts and Disqualification:**

1. For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts may be either oral statements when other interested parties are not present, or written information that other interested parties do not receive.
2. If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the

substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether the member will participate or abstain.

3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member affirms review of all evidence and testimony received.

### **LEGAL ADVICE**

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Manager to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager.

### **GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING**

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission

## PARLIAMENTARY PROCEDURES ...at a glance

TO DO THIS:	YOU SAY THIS:	May you interrupt the speaker?	Do you need a second?	Is it debatable?	Can it be amended?	What vote is needed?	Can it be reconstructed?
Adjourn meeting	"I move that we adjourn	No	Yes	No	No	Majority	No
Call Intermission	"I move that we recess for	No	Yes	No	Yes	Majority	No
Complain about noise, etc	"I rise to a question of privilege	Yes	No	No	No	No vote	No (usually)
Temporarily suspend consideration of an issue	"I move to table the motion	No	Yes	No	No	Majority	No
End debate on an Amendment	"I move the previous question	No	Yes	No	No	2/3	No (1)
Postpone discussion for a certain time	"I move to postpone the discussion until...	No	Yes	Yes	Yes	Majority	Yes
Give closer analysis of something...	"I move to refer the matter to staff or committee...	No	Yes	Yes	Yes	Majority	Yes (2)
Amend a motion	"I move to amend the motion by	No	Yes	Yes (3)	Yes	Majority	Yes
Introduce business	"I move that...	No	Yes	Yes	Yes	Majority	Yes

### THE MOTIONS LISTED ABOVE ARE IN ORDER OF PRECEDENCE...BELOW THERE IS NO ORDER

Protest breach or rules or Conduct	"I rise to a point of order	Yes	No	No	No	No vote (4)	No
Vote on ruling of the chair	"I appeal from the Chair's decision	Yes	Yes	Yes	No	Majority (5)	Yes
Suspend rules temporarily	"I move to suspend the rules so that"	No	Yes	No	No	2/3	No
Avoid considering an improper matter..	"I object to consideration of this motion	Yes	No	No	No	2/3 (6)	(7)
Verify a voice vote by having	"I call for a division or "Division"	Yes	No	No	No	No vote	No
Request information	"Point of information	No	No	No	No	No vote	No
Take up a matter previously tabled	"I move to take from the table	No	Yes	No	No	Majority	No
Reconsider a prior action	"I move to reconsider the vote on...	No	Yes	(8)	No	Majority	No

1. Unless vote on motion is not taken.
2. Unless the committee or staff has already taken up the subject.
3. Only if the motion to be amended is debatable.
4. Except in doubtful cases.
5. A majority vote in negative needed to reverse ruling of chair.
6. A 2.3 vote in negative needed to prevent consideration of main motion.
7. Only if the main question or motion was not, in fact, considered.
8. Only if motion to be reconsidered is debatable.

**The Chair reserves the right to recognize meeting participants and interpret the procedure on all matters of process unless over-ruled by the Council**

