



Rules of Order and Procedure
For the City Council
Of
The City of Boardman, Oregon

INDEX

1. Purpose
2. Authority
3. The Mayor and Council
4. Council Meetings
5. Agenda and Order of Business
6. Procedure for Council Meetings
7. Decorum and Order
8. Censure
9. Code of Ethics
10. Council Relations with City Staff
11. Committees
12. Confidentiality
13. Severability

Section 1. PURPOSE

- 1.1 The Council shall review its rules during the first quarter of odd-numbered years. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinance or policies, or provisions of the City Charter.

Section 2. AUTHORITY

- 2.1 The Charter of the City of Boardman in Chapter IV Section 13 Rules specifies "The Council shall adopt rules for the government of its members and proceedings".
- 2.2 The rules adopted in this ordinance 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 by these rules.
- 2.3 These rules apply equally to the Mayor and Councilors.
- 2.4 These rules are to be observed in addition to and may not be contradictory to the current City Charter.

Section 3. THE MAYOR AND COUNCIL

- 3.1 The Mayor and Council (hereafter, Council) are the policy making body of the City. The Council speaks on policies and issues with one voice or not at all. Council decisions may not be unanimous, but once decided, become the policy of the City.

Section 4. COUNCIL MEETINGS

- 4.1 Regular meetings of the Council will be held the first Tuesday of each month at 7:00 p.m. and at such other additional dates and times as the Council shall determine. Regular meetings shall normally continue no later than 9:00 p.m. unless extended or adjourned by the Council. Regular meetings may be held in the Council Chambers at Boardman City Hall, unless otherwise specified by the Council.
- 4.2 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.
- 4.3 Special meetings of the Council may be called 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.
- 4.4 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.
- 4.5 Workshop or Training meetings of the Council may be held at the convenience of the Council at a time when as many as possible can attend. These meetings may be held for

Council goal setting, new Councilor training, or longer workshops for planning programs or projects. Goal setting retreats may be held out of town so long as no decision-making or discussion toward decisions occurs. Any goals arrived at by any process should be confirmed in public at a regular Council meeting. The Council may decide if the public is welcome at any of these meetings and they may be held without opportunity for public input.

- 4.6 Executive sessions may be held by the Council pursuant to ORS 192.640, 650, 660 and 670. Staff members may be permitted to attend. Normally the City Manager and City Recorder are required to attend.
- 4.7 Public meetings of the Council will be held in accordance with ORS 192.695 All regular and special meetings will be open to the public and provide an opportunity for public input.
- 4.8 Councilors should inform the Mayor or City Manager if unable to attend any Council meeting. The Mayor will inform the Council President and City Manager if unable to attend any Council meeting.
- 4.9 The Mayor may excuse the attendance of a member of the Council at any meeting for illness, vacation or other reasonable cause. Only a majority of the Council shall determine an absence is unexcused. The absence of a member of the Council shall be recorded in the minutes as either excused or unexcused.

Section 5. AGENDA AND ORDER OF BUSINESS

- 5.1 An agenda for each regular Council meeting shall be prepared by the City Manager. The Chair may direct specific items be included on the agenda. The City Manager should be given enough time to do necessary research or prepare necessary reports to address the agenda items. Agendas and informational material should be distributed to the Council at least 4 days prior to the meeting.
- 5.2 The normal order of business for a regular Council meeting shall be as follows:
 - CALL TO ORDER
 - FLAG SALUTE
 - ROLL CALL/EXCUSED ABSENCES
 - APPROVAL OF MINUTES
 - FINANCIAL REPORT
 - FORMAL PROCEEDINGS
 - INTRODUCTIONS
 - PUBLIC COMMENT
 - PREARRANGED PRESENTATION
 - PETITIONS
 - ACTION ITEMS
 - ORDINANCES
 - RESOLUTIONS
 - OTHER BUSINESS

- OTHER PUBLIC COMMENT
- DOCUMENT SIGNATURES
- REPORTS, CORRESPONDENCE AND DISCUSSION:
 - POLICE REPORT
 - BUILDING DEPARTMENT REPORT
 - PUBLIC WORKS DEPARTMENT REPORT
 - COMMITTEE REPORTS
 - CITY MANAGER
 - COUNCILORS
 - MAYOR
- EXECUTIVE SESSION
- ADJOURNMENT

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

Section 6. PROCEDURE FOR COUNCIL MEETINGS

- 6.1 Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order. The Chair, may utilize Robert's Rules of Order as necessary.
- 6.2 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 are present, the remaining members 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.
- 6.3 Every Councilor desiring to speak should first address the Chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Chair.
- 6.4 No motion shall be debated, except by the maker, until it has been seconded and announced by the Chair.
- 6.5 Public comment will be allowed at every regular meeting of the council. Persons will be allowed to make comment on any item, on the agenda or not on the agenda.
- 6.6 Persons wishing to speak during public comment must fill out a public comment/testimony form with the person's name and city of residence and the topic upon which the person wishes to speak, and give to the recorder.
 - a. Speakers are limited to three minutes. Speakers will begin by identifying themselves by their name and city of residence. Speakers are not required to state their home or mailing address.

- b. The Chair may allow additional persons to speak if they have not filled out a public comment/testimony form and sufficient time is left in the meeting.
- 6.7 Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
- 6.8 Members of the council will not discuss topics or make decisions during this time, but may ask clarifying questions, take comments or requests under advisement, assign topics to a future council or standing committee agenda, or request staff to take action. The Chair may intervene if a councilor is violating the spirit of this guideline.
- 6.9 Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.
- 6.10 Prior to a vote, the Chair shall restate the motion or have the maker of the motion restate it to assure clarity of the issue.
- 6.11 A quorum is required to conduct official city business. The members of the council are the city councilors and mayor. Fifty percent plus one of the members of the council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- 6.12 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 Council or any business with which the Councilor or Councilor's relative is associated. (ORS 244.020(13)).
- 6.13 A motion fails in the event of a tie vote.

- 6.14 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 7. DECORUM AND ORDER

- 7.1 The Chair shall preserve a decorum and decide all points of Order, subject to appeal to the Council.
- 7.2 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.
- 7.3 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.
- 7.4 Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting may be removed from the room, after fair warning, if the Chair so directs. In case the Chair should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, the person or persons shall be removed as if the Chair so directed. Stamping of the feet, whistles, yells and clapping are similarly not permitted. Such persons may be barred from further audience before the Council and, in aggravated cases, an appropriate complaint shall be issued by the Chair to prosecute this person or persons.
- 7.5 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 8. CENSURE

- 8.1 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, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.
- 8.2 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 as a whole in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred.
- 8.3 No individual Councilor shall have the right to make public any information obtained through such investigation.

Section 9. CODE OF ETHICS

- 9.1 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 insure 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 or economic position.
- 9.2 If the Mayor or Councilor represents the City before another public body, governmental agency, community organization or with the media, the Mayor or Councilor should 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.
- 9.3 If the Mayor or a Councilor wishes to use social media to present information that is representative of the City, they must always present the majority position of the Council. Social Media includes all forms of electronic communications media.
- 9.4 If the Mayor or Councilor wishes to use social media as a communication tool for their personal opinions and comments, they must include clarification that the statements do not represent the position of the City Council. Social Media includes all forms of electronic communications media.

Section 10. COUNCIL RELATIONS WITH CITY STAFF

- 10.1 There will be mutual respect from both Councilors and staff of their respective roles and responsibilities when and if expressing criticism in a public meeting.
- 10.2 The Council sets City policies and goals. The staff implements and administers the policies and goals.
- 10.3 During a City Council meeting, all requests for information go directly to the Chair or City Manager. 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 Manager. The City Manager will direct them to other staff, the City Attorney, or deal with them him/herself as appropriate. Questions or complaints regarding staff go directly to City Manager.
- 10.4 The City Councilors may seek information from staff members regarding the operation of their department, but will not attempt to change or interfere with the operation or practice of any City department or personnel except by directing their concerns to the City Manager.

Section 11. COMMITTEES

- 11.1 Board, commission, committee and task force members are appointed by the Mayor, with the consent of the Council.
- 11.2 A Task Force 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.
- 11.3 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.
- 11.4 Members of the Council will not attempt to lobby or influence board, committee, task force or commission members on any items under their consideration. It is important for the advisory bodies to make objective recommendations to the Council on items before them. Councilors that attempt to influence board, committee, task force or commission members on any item may prejudice or hinder their role in reviewing the recommendation as a member of the Council.

Section 12. CONFIDENTIALITY

- 12.1 Councilors must keep in complete confidence all written materials and verbal information provided to them on matters that are confidential under law, to insure 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 Manager, or City Attorney.
- 12.2 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.
- 12.3 All public statements, information, or press releases on confidential matters will be handled by the Council Spokesperson or designated staff.

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 constructed and enforced as if the rules did not contain the particular term or provision held to be invalid.