ORDINANCE No. 2001

AN ORDINANCE OF THE CITY OF NORTH BEND, AMENDING THE RULES OF THE CITY COUNCIL OF NORTH BEND

WHEREAS, the City of Council of the City of North Bend has in 2001 established the Rules of the City Council of the City of North Bend as provided in the North Bend City Charter; and

WHEREAS, the Rules of the City Council provide for the for amendments to the City Council Rules be made by ordinance; and

WHEREAS, the City Council of the City of North Bend has determined that the current rules need to be amended and updated to promote transparency of city council operation and provide for needed council flexibility in carrying out its appointed tasks; and

WHEREAS, the North Bend City Council has discussed the proposed changes to the Council Rules and are in agreement with the intent and operation of the amendments proposed; now

THEREFORE BE IT RESOLVED, that the City Council of the City of North Bend amends the Rules of the City Council of the City of North Bend to read as follows in attached Exhibit A.

Passed and adopted by the North Bend City Council this 22 day of March, 2016.

Rick Wetherell, Mayor

ATTEST:

Joann Munson
City Recorder
COUNCIL MEETINGS

1. **Regular Council Meetings and Work Sessions.** The Council may hold two regular meetings, on the second and fourth Tuesday of each month, except in those cases where the Council finds it necessary to designate another date due to conflicts. Regular meetings shall be convened in the City Council Chambers in the City Hall, and shall be called to order at 7:00 p.m., and shall adjourn no later than 10:30 p.m. unless approved by the council.

2. **Executive Sessions.** Executive sessions may be called by the Presiding Officer, any two members of the Council, or the City Administrator. Only Council members, the City Administrator, and persons specifically invited by the Council or the City Administrator shall be allowed to attend executive sessions. Representatives of recognized news media may attend executive sessions, in compliance with ORS 192.610 to 192.690. No matter discussed during executive session may be disclosed by any person present during such session, and this Order of nondisclosure shall be stated at the beginning of each executive session.

3. **Special Meetings.** Special meetings may be called by the Presiding Officer, by request of any three Councilors, or by the City Administrator. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor, the City Administrator, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings, and may be delivered by mail, electronic facsimile (FAX), or by personal delivery.

4. **Work Sessions.** Work sessions may be called at the request of the City Administrator in order to disseminate information to the Council. Work sessions will only be called when the information to be provided to the Council will require a lengthy presentation. Whenever possible, all work sessions will be held at 4:30 p.m. on the Monday preceding the regularly scheduled Council meeting.

5. **Public Attendance.** All regular and special meetings shall be open to the public.
THE PRESIDING OFFICER

6. The Mayor. Whenever possible, the Mayor shall preside at all regular and special meetings and executive sessions of the Council and shall be the recognized head of the City for all ceremonial purposes. In the event of the Mayor's absence, the Council President shall preside. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as presiding officer.

7. Council President. At the first meeting after each general biennial election, the Council shall by ballot elect a president from its membership. In the Mayor's absence from any Council meeting, the president shall act as the presiding officer. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the President shall act as Mayor Pro Tem.

8. Temporary Chairman. In event of the absence of the Mayor and Council President, the City Recorder shall call the Council to order and call the roll of the members; if a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.

EMPLOYEE DUTIES

9. City Administrator. The City Administrator shall attend all meetings of the Council, unless excused by the Council or the Mayor. He or she shall make recommendations to the Council and shall take part in all discussions concerning the welfare of the City.

10. City Recorder. The City Recorder shall be the Clerk for the Council and shall keep minutes of meetings and shall perform such other duties at the meetings as ordered by the Presiding Officer, the Council or the City Administrator. The City Recorder shall furnish each Councilor with a copy of the minutes of each preceding meeting in the agenda packet for the next meeting. In addition to furnishing the minutes of each meeting, the City Recorder shall keep a record of Council proceedings by tape recording which can be authenticated by the oath of the Recorder or the Recorders substitute if one was present at the time of the particular proceeding, by sworn oath in front of a notary.

11. City Attorney. The City Attorney shall either in person or by deputy attend all meetings of the Council. Any member of the Council or the City Administrator may at any time call upon the City Attorney for an informal oral opinion. Written opinions shall be authorized by a majority of the Council or the City Administrator. The City Attorney shall be the Parliamentarian, and shall advise the Presiding Officer on any questions of order.
12. **The Chief of Police.** The Chief of Police or his designee shall attend each Council meeting, and serve as the Sergeant-at-Arms. For the purpose of retaining order and decorum at the Council meetings, the Sergeant-at-Arms shall carry out all orders or instructions upon direction of the Presiding Officer or upon any other procedure specifically provided by these rules.

13. **Officers and Employees.** Any member of the City Council may request that the City Administrator direct any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

**DECORUM AND ORDER**

14. **Presiding Officer.** The presiding Officer shall preserve decorum and decide all points of order, subject to appeal to the Council.

15. **Councilors.** Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these 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 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.

16. **Staff and Public.** 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.

17. **Removal of Any Person.** Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting shall be removed from the room if the Sergeant-at-Arms is so directed by the Presiding Officer. In case the Presiding Officer 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, Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed.

Such person or persons may be barred from further audience before the Council and, in aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted.

18. **Censure.** To be developed at a future date.
DUTIES AND PRIVILEGES OF MEMBERS

19. Code of Ethics. Councilors 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. Councilors 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. 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, social station or economic position. Councilors will do their utmost to subscribe to the Code of Ethics set out in the Oregon Revised Statutes 244.040. Councilors will do everything in their power to follow the disclosure requirements in Oregon law regarding conflicts of interest, both actual and potential. In general, councilors will declare all actual and potential conflicts of interest.

(1) Potential Conflicts of Interest: Any action or any decision or recommendation by a person acting in their capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person’s relative or business.

(2) Actual Conflicts of Interest: Any action or any decision or recommendation by a person acting in their capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or business.

20. Debate

(1) Any Councilor who has the floor shall confine himself or herself to the question under debate, avoid personalities and refrain from impugning the motives of any member, argument, or vote. No member shall address the chair or demand the floor while any vote is being taken.

(2) Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

(3) A Councilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order, he or she shall be permitted to proceed; if ruled to be out of order, he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.
21. **Right to Appeal.** Any member may appeal to the Council from a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Aye, the ruling of the chair is sustained; otherwise it is overruled.

22. **Dissent and Protest.** Any Councilor shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or decision objected to.

23. **Excusal During the Meeting.** No member may leave the Council meeting while in regular session without acknowledgment from the Presiding Officer.

24. **Personal Privilege.** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

**ORDER OF BUSINESS AND AGENDA**

25. **Order of Business.** The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business:

1) Flag salute  
2) Financial report  
3) Public comments  
4) Agenda items  
5) Public hearings  
6) City Administrator’s report  
7) Mayor and Council comments  
8) Executive session  
9) Other business  
10) Adjournment

**Work Session**

1) Call to Order  
2) Citizen-requested agenda items  
3) Miscellaneous items (including policy discussion and determination)  
4) Staff requested agenda items  
5) Review of regular council session agenda
6) Other business
7) Public comments
8) Executive Session
9) Adjournment

26. **Agendas.** Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Items may be placed on the agenda by any person, but such items shall be presented to the City Administrator in writing at least five days prior to the meeting at which they are to be discussed. Upon approval by the Mayor, the City Administrator, or any member of the Council, the item shall be placed on the agenda for consideration within 30 days.

Agendas and informational material for regular meetings shall be distributed to the Council mailboxes at City Hall at least four days prior to the meeting.

New business brought before the Council in a meeting may be referred to the City Administrator for a report at a future Council meeting.

27. **Additions to Agenda.** A request to add an item unforeseen for Council consideration to the Council agenda may be presented at the Council meeting but shall require a majority concurrence of the members present to be so added.

28. **Special Orders of Business.** Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except Flag Salute.

29. **Consent Calendar.** The approval of minutes, and other routine agenda items may be placed on the Consent Calendar. Discussion of the Consent Calendar shall be limited to five minutes. Any item may removed from the Calendar and placed in its otherwise appropriate position in the order of business at the request of the Presiding Officer or of any two members of the Council.

**CONSIDERATION OF BUSINESS**

30. **Quorum.** A majority of the Council shall constitute a quorum to do business. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.

31. **Voting.** Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice; provided, however, upon demand by any member of the Council, a roll call vote shall be made upon any question before the Council. No Councilor may explain the reasons for his or her vote during the roll call.

32. **Procedure Generally.** When the question has been called for the Presiding Officer shall first ask for the Ayes followed by the No's. After a vote has been taken the Presiding Officer shall announce the results of the vote.
33. **Voting Required.** Every member present when a question is called shall vote either Aye or No, unless the Council, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest under applicable law, in which case no consent is required. There shall be no debate on such a request. If any member declines to vote, and the result of such action would be to create a tie, that member's vote shall be counted as an aye; in all other situations, that member's vote shall be counted with the majority.

34. **Minimum Votes Required in Certain Situations.** The passage of any ordinance shall require the affirmative vote of at least a majority of the whole membership of the Council.

35. **Ayes and No’s.** On the passage of every Ordinance the vote shall be taken by Ayes and No’s and entered upon the record.

36. **Tie Vote.** In case of a tie in votes of any proposal, the proposal shall be considered lost.

**PUBLIC COMMENT**

37. **Policy.** The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen shall have the duty to exercise this right in a manner which furthers the greater public good.

(1) Public comment at council meetings shall be limited to 30 minutes unless extended by the presiding officer. Public comment at work sessions shall be limited to 20 minutes unless extended by majority vote of the presiding officer.

(2) Preference shall be given to North Bend residents, then non-resident business and property owners and if time is available to non-North Bend residents at all Council meetings and work sessions.

(3) In the event a person wishing to go on the record with the Council, but cannot attend the work session or regular meeting, written comments can be delivered to City Hall by the Friday prior to the meeting date and the written comments will be included in the record as received public comment to be reviewed by the Council prior to the meeting. Written comments shall be limited to twenty (20) pages on letter size 8 1/2 x 11 inch paper on the front side of the sheet only.
(4) Public comments may be limited by the presiding officer to new
-testimony/comments to the council on any given subject based on a speaker by
-speaker basis or general discussion topic.

38. **Public Comment Generally.** Any member so addressing the Council shall be
limited to a period of three minutes per person with preference being given to North
Bend residents and non-resident business and property owners. Public comment at
work sessions shall be limited to three minutes per person. The presiding officer, in their
sole discretion, may extend this time, or may request further information be presented to
the Council on such date and in such manner as it deems appropriate.

39. **Persons Sharing Common Concerns.** If any group of three or more persons
sharing a common viewpoint on any subject wishes to address the Council during the
time for public comment, the group shall select a spokesperson, who shall present the
views of the group to the Council. The Council, in its sole discretion, may request to
hear the views of additional speakers from the group. Additional support for the views
of the group, in the form of petitions, letter, videotapes, etc., may be presented to the
Council for consideration at the conclusion of the spokesperson's remarks.

40. **Roster.** All persons or groups wishing to address the Council during the time for
public comment shall sign in prior to the meeting and provide their name, physical
address and the proposed topic of his/her comment, whether they have previously
spoke on the same topic. The presiding officer shall review the sign-up sheet prior to
the start of the meeting to determine eligible speakers based upon criteria set out in
Section 37 of these rules.

41. **Complaints and suggestions to the Council.** When any citizen brings a
complaint before or makes a suggestion to the Council, other than for items already on
the agenda, the Presiding Officer shall first determine whether the issue is legislative or
administrative in nature and then:

(1) If legislative, and a complaint about the letter or intent of legislative acts or
-suggestions for changes to such acts, and if the Council finds such
-complaint suggests a change to an ordinance or resolution of the City, the
-Council may refer the matter to the City Attorney, a committee, the City
-Administrator or the Committee of the Whole for study and
-recommendation.
(2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Administrator, the Presiding Officer shall then refer the complaint directly to the City Administrator for his or her review if the complaint has not already been reviewed. The Council may direct the City Administrator to report to the Council when his review has been made.

PROCEDURE FOR COUNCIL MEETINGS

42. **Rules of Order.** Unless otherwise provided by law or by these rules, the procedure for Council meetings may be governed by Robert’s Rules of Order at the designation by the majority of the council.

43. **Construction of Rules of Order.** The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose, and Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole, and confuse the audience at public meetings and the citizens in general.

44. **Convening the Meeting.** At the time appointed, the presiding officer shall take the chair at the hour appointed for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting the names of the members present.

45. **Recognition.** Every Councilor desiring to speak shall 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 Presiding Officer.

46. **Requirement of a Second Before Debate.** No motion shall be debated until it has been seconded and announced by the Presiding Officer.

47. **Motions Reduced to Writing.** Any Councilor may request that a motion be reduced to writing and read by the City Recorder...

48. **Council Questions to Staff.** Every Councilor desiring to question the administrative staff shall address his or her question to the City Administrator, who shall be entitled to either answer the inquiries or designate some member of the staff for that purpose.

49. **Citizen Participation.** Citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any...
individual Councilor thereof. Any remarks and questions regarding administration of the City shall be referred to the City Administrator by the Presiding Officer.

Citizen participation during council meetings and work session shall be at the discretion of the Council. Citizens desiring to address the Council shall first be recognized by the Presiding Officer and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and questions regarding administration of the City shall be referred to the City Administrator by the Presiding Officer.

50. **Precedence of Motions.** When a question is before the Council no motion shall be entertained except:

1) to abide by the rules
2) to adjourn
3) to lay on the table
4) for the previous question
5) to postpone to a certain date
6) to refer
7) to amend
8) to postpone indefinitely

These motions shall have precedence in the order indicated. Any such motion except a motion to amend shall be put to a vote without debate.

51. **Motions to be Stated by Presiding Officer/Withdrawal.** When a motion is made and seconded it shall be stated by the originator or the Presiding Officer before debate. A motion may not be withdrawn without the consent of the member seconding it.

52. **Motion to Adjourn--When Not in Order--When Not Debatable.** A motion to adjourn will be in order at any time except as follows:

(1) when made as an interruption of a member while speaking
(2) when the previous question has been ordered
(3) while a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

53. **Motion to Lay on the Table.** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.
54. **Division of Question.** If the question contains two or more divisionable propositions the Presiding Officer may upon request of the members shall, divide the same.

55. **Motion to Postpone.** All motions to postpone excepting to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

56. **Suspension of Rules.** No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

57. **Adjourned Meetings.** Upon motion and majority vote of Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting thereafter.

**CITY BOARDS, COMMISSIONS, LAY-COMMITTEES AND COUNCIL COMMITTEES**

58. **City Boards, Commissions, and Lay-Committees.** Unless otherwise provided by statute, ordinance or resolution, the following shall be the procedure for the creation of and appointments to all City Boards, Commissions, and Lay-Committees:

1. **Creation and Dissolution.** At any time, the Council may by ordinance or resolution establish any City Board, Commission or Lay-Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as members. Unless otherwise provided, all City Boards, Commissions, and Lay-Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.

2. **Qualifications.** All appointees to City Boards, Commissions and Lay-Committees shall be registered electors, and shall have resided in the City of North Bend for a period of one year. No appointee may serve on more than two City Boards, Commissions or Lay-Committees at any one time.

3. **Term.** The term of all appointments shall be for three years. Appointments may be renewed for any number of terms.

4. **Vacancies.** Any qualified citizen may submit a letter of interest for any open position on a city Board, Commission, or Lay-Committee. Vacancies shall be advertised in the local media, and letter of interest shall be received only during the time set forth in the advertisement.
59. **Council Committees**

(1) **Creation and Dissolution.** Council Committees may be created at any time by resolution or motion. All Council Committees shall have a Chairman and Secretary, who may be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such committee shall report to the Council without unnecessary delay upon matters referred to them. All Council Committees so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period three years from the date of initial creation, and at the end of each subsequent three year period after reauthorization, and at such time shall either be reauthorized or dissolved.

(2) **Membership.** Membership on such Council Committees shall include only sitting Councilors, who shall be appointed by the Presiding Officer, subject to confirmation by the Council. Council Committee appointments shall be for a term of one years, and Councilors may be reappointed for an indefinite number of terms.
(3) **Meetings.** Council Committee meetings may be called by the Chairman, or by any two members. A majority of the members of a Committee shall constitute a quorum to do business.

(4) **Committee of the Whole.** There shall be one standing committee of the Council, which shall be known as the Committee of the Whole. This committee shall sit as a body for investigation or study, as the need may be. The committee shall not take any official action, but shall make findings which shall be the basis of further Council action.

60. **Meetings Subject to Oregon Open Meetings Law.** All meetings of the City Council, any City Boards, Commissions, and Lay-Committees or Council Committees shall be subject to and comply with the Oregon Public Meetings law, ORS 192.610-192.710.

61. **Quorums.** A majority of the then sitting members of any City Board, Commission, or Lay-Committee or Council Committee shall constitute a quorum to do business.

62. **Registry.** The City Recorder shall prepare, keep current and retain on file in the Office of the City Recorder a list of all appointees to all City Boards, Commissions, Lay-Committees and Council Committees, the date of their appointment, the length of their unexpired term, and their addressees and phone numbers. All councilors shall be given a copy of this list at least once yearly, or upon any substantial change in membership of any City Board, Commission, Lay-Committee or Council Committee.

**MISCELLANEOUS**

63. **Amendments to Council Rules.** Amendments to these rules shall be by made by resolution.

64. **Anonymous Communications.** Anonymous and unsigned communications shall not be introduced in Council meetings.

65. **Severability.** The terms of these Council rules are severable. If a part of these rules is held invalid, that invalidity does not affect any other part of the rules, except as logical relation between the two requires.

66. The provisions of these rules are meant to supersede any previous motions or resolutions of the North Bend City Council governing procedure at City Council meetings.