



City Of Scio, Oregon



RESOLUTION NO. 23-14

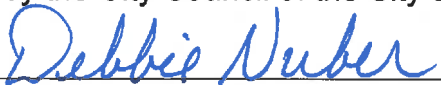
ADOPTING CITY COUNCIL RULES AND PROCEDURES FOR THE CITY OF SCIO

WHEREAS, the City of Scio Charter, Section 10, provides that the Council shall adopt rules that govern its meetings.

WHEREFORE, THE CITY OF SCIO DOES ORDAIN AS FOLLOWS:

The Council Rules attached hereto as Exhibit A are adopted.

Passed by the City Council of the City of Scio this 9th day of October, 2023.

By: 
 Debbie Nuber, Mayor
 Joey Ferguson, City Council President

ATTEST:


Virginia Allen, City Manager

**CITY OF SCIO
CITY COUNCIL RULES AND PROCEDURES**

Adopted October 9, 2023

Section 1. AUTHORITY1

Section 2. MEETINGS

 2.1 Regular Meetings1

 2.2 Special Meetings1

 2.3 Emergency Meetings1

 2.4 Executive Sessions1

 2.5 Open Meetings 1

 2.6 Quorum1

 2.7 Attendance2

 2.8 Decorum2

 2.9 Censure2

 2.10 Order of Business3

 2.11 Roll Call3

Section 3. MINUTES3

Section 4. AUDIENCE ADDRESSING COUNCIL3

Section 5. CONDUCT OF NON-LAND USE PUBLIC HEARINGS4

Section 6. CONFLICT OF INTEREST OR OTHER DISQUALIFICATION5

Section 7. SERGEANT-AT-ARMS6

Section 8. ADDRESS BY COUNCIL MEMBERS6

Section 9. SIGNING OF OFFICIAL DOCUMENTS6

Section 10. EXPRESSING AND RECORDING DISSENTS OR PROTESTS6

Section 11. PARLIAMENTARY MOTIONS AND VOTING7

Section 12. COUNCIL RELATIONS WITH CITY STAFF 8

Section 13. COMMITTEES9

Section 14. CONFIDENTIALITY9

Section 15. SUSPENSION OR AMENDMENT OF COUNCIL RULES10
Section 16. SEVERABILITY10

Section 1 AUTHORITY

- 1.1 These Council Rules and Procedures are established and adopted under the authority granted in the Scio City Charter.
- 1.2 These Rules apply equally to the Mayor and Councilors.
- 1.3 City staff, the public and any other persons attending Council meetings are expected to observe the same rules of procedure, decorum and good conduct applicable to members of the Council.
- 1.4 The Mayor and council (hereafter “Council”) is the policy making body of the City.
- 1.5 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 2 MEETINGS

- 2.1 **Regular Meetings.** The Council will meet in regular session on the second Monday of each month at 6:00 p.m. As necessary or required to consider city business, the Council may conduct additional meetings at a designated time, date and place.
 - a. Rescheduling of Regular Meetings. 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.
- 2.2 **Special Meetings.** The Mayor, upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council for a time after at least 24 hours advance notice is given. Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.
- 2.3 **Emergency Meetings.** 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.
- 2.4 **Executive Sessions.** Executive sessions shall be held in accordance with Oregon law. Staff members may be permitted to attend. Normally, the City Manager and City Recorder will be required to attend. With some exceptions, members of the press are also allowed in executive sessions with restrictions on what they can report.
- 2.5 **Open Meetings.** All meetings will be held in accordance with the requirements of Oregon’s Public Meetings law, ORS 192.610 through 192.710. No action by the Council shall have legal effect unless the motion and the vote by which it is disposed of take place at proceedings open to the public.
- 2.6 **Quorum.** **A majority of the council members is a quorum.** The concurrence of the majority of a quorum shall be necessary to determine any question before the Council.

2.7 Attendance.

- a) Councilors should inform the mayor or City Manager if unable to attend any Council meeting. The Mayor will inform the Council President or City Manager if unable to attend any Council meeting.
- b) The Mayor, without a majority vote of the Council, 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.

2.8 Decorum.

- a) Roberts Rules of Order, Newly Revised, will be used as guidance for the conduct of Council meetings. If any conflict exists, the provisions of this Resolution will take precedence. The City Attorney will act as parliamentarian.
- b) Except by permission of the presiding officer, Councilors will address their remarks to the Council and not to the audience.
- c) Any person who actively disrupts the Council's ability to continue its business shall be removed from the meeting at the direction of the Mayor.
- d) 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.
- e) 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.

2.9 Censure.

- a) 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.
- b) 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.
- c) No individual Councilor shall have the right to make public or assist in making public any information obtained through such investigation.

2.10 Order of Business.

- a) The order of business at each regular Council meeting will be in accordance with the agenda prepared by the City Manager. Items may be taken out of the following order with the consent of the Council:
- 1) Call to Order
 - 2) Roll Call
 - 3) Consent Agenda
 - 4) Correspondence
 - 5) Presentations – Includes City Advisory Presentations
 - 6) Public Hearings
 - 7) Regular Session Items
 - 8) Reports – City Manager and City Attorney
 - 9) City Council Comments
 - 10) Citizen Comments
 - 11) Adjournment
- b) Anyone wishing to place an item on the agenda will advise the City Manager no later than noon on the Tuesday a week preceding the meeting at which the item is to be considered. Items to be included in the agenda packet shall be submitted to the City Manager no later than noon on the Wednesday preceding the meeting.

2.11 Roll Call. The Administrative Assistant, City Manager, or mayor will conduct the roll call.

Section 3 MINUTES

3.1 Meeting Minutes. Minutes need not be a verbatim transcript, and the meeting does not have to be sound recorded unless otherwise required by law. For practical purposes, however, it is general practice to sound record the meetings of the City Council for back up reference.

3.2 Distribution of Minutes. Draft minutes are distributed to the City Council with the agenda on which those minutes appear as an item for approval. However, because the minutes are generally completed in draft form prior to distribution of the agenda packet, the minutes are available for earlier review should the need arise.

3.3 Correction and Approval of Minutes. A Councilor may offer amendments to the minutes. All corrections will appear in the minutes of the meeting when the changes took place.

3.4 Reading of Minutes. Unless the reading of the minutes of the previous Council meeting is requested by a majority of the Council, such minutes may be approved without reading aloud if copies thereof have been previously furnished in the agenda packet.

Section 4 AUDIENCE ADDRESSING THE COUNCIL

4.1 Addressing the Council. The public may address the Council in one of three ways: The

first way is during scheduled public hearings, comments relative to the hearing will be accepted. For other special provisions applying to public hearings, see paragraph 5, below. Second, during Public Comment time following Councilor Comments and third, citizens may request and may be allowed to address any item in its normal agenda sequence at the discretion of the chair.

- 4.2 Information Sign-In. After being recognized by the presiding officer, the citizen will sign In as a speaker, providing, in writing name, address, and preferred contact information for the record of an official proceeding(s).
- 4.3 Public Remarks.
- a) Citizen remarks will be directed to the Council as a body and not to any individual member thereof. Further, the speaker will not be permitted to address remarks to the City staff nor toward other citizens in the audience.
 - b) No person will enter into the discussion without first being recognized by the presiding officer.
 - c) A member of the audience addressing the City Council will be limited to **three (3)** minutes unless extension is granted by the presiding officer.

Section 5 CONDUCT OF NON-LAND USE PUBLIC HEARINGS

The Mayor shall be the presiding officer. In the absence of the Mayor, or if the Mayor is unable to participate in the hearing, the President of the Council shall be the presiding officer. In the absence of the Mayor and Council President, or if both are unable to participate in the hearing, a Councilor elected by a majority of those voting shall be the presiding officer. Initially, the presiding officer shall announce the time, date and purpose for the opening of the public hearing and then observe the following procedures.

- A. Report from Staff.
- B. Audience Comments/Questions.
- C. Close of Public Hearing and debate of Council

Section 6 CONFLICT OF INTEREST OR OTHER DISQUALIFICATION

- 6.1 Councilor Responsibility. 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.
- 6.2 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 could 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 will 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(14)).

6.3 Councilor Conduct. 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 shall 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.

Section 7 SERGEANT AT ARMS

- a) The Sergeant-at-Arms will be the Council President or an appropriate designee.
- b) It will be the duty of the Sergeant-at-Arms to assist the presiding officer, as appropriate, to maintain the order and decorum at all meetings.

Section 8 ADDRESS BY COUNCIL MEMBER

- a) Every councilor desiring to speak to an issue will address the presiding officer and, upon recognition, will confine remarks to the issue under debate.
- b) Councilors questioning, seeking clarification or soliciting a recommendation from City staff will direct the concern to the appropriate staff member. The staff member may respond as requested or redirect the inquiry to another member of the staff.

Section 9 SIGNING OF OFFICIAL DOCUMENTS

The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council according to the City Charter. Whenever the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor.

Section 10 EXPRESSING AND RECORDING DISSENTS OR PROTESTS

- a) Any member of the Council will have the right to express dissent from or to protest any action of the Council immediately following the vote on the action and to have the reason entered in the minutes.
- b) At such time as the accepted parliamentary procedures to influence the outcome of an issue have been exhausted, the decision of the Council becomes final. To prolong the decision is a breach of rules.
- c) 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.

Section 11 PROCEDURES IN HANDLING PARLIAMENTARY MOTIONS AND VOTING

11.1 Motions.

- a) To make or move a motion, a Councilor must be recognized by the Chair at a time when there is no other business on the floor. The Councilor may then move as set forth in the Agenda Item Summary prepared for that matter, within the Council Packet. For example, a Councilor may state, "I move adoption of Ordinance X..." or "I move approval of Resolution Y...".
- b) Another member seconds the motion. This can be done without being recognized by the Chair. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second and the Chair calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.
- c) The Chair states the question on the motion. This procedure is necessary for the motion to come before the Council. Prior to this step, the Chair can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Chair states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Chair to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.
- D) Debate then takes place on the motion. The original mover is entitled to the floor first. Each member has the right to speak twice, but should not have the floor the second time until all who wish have spoken once. Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.

11.2 Voting.

- a) The chair then puts the question to a vote. When the debate appears to have closed, the Chair asks “are you ready for the question?”. If no one claims the floor, the Chair restates the motion and calls for a vote. The vote is taken in one of the following ways, with the Chair deciding the type of vote unless directed otherwise by the Council.
- b) Voice Vote: This is the standard method when no more than a majority vote is required. The ayes are called for first and then the nays.
- c) Roll Call Vote: This can be used as an alternative to a voice vote, in verifying an inconclusive voice vote or when a two-thirds vote is required for adoption.
- d) Vote by Written Ballot: This is another method that is normally used only in cases of elections or a matter where initial confidentiality is needed. However, individual Councilor votes must be recorded in the minutes and the ballots made public immediately following the vote.
- e) Unanimous Consent . The Chair may also use “**Unanimous Consent**” as a method of voting. Matters on which there is agreement of the Council and the agreement is evident to the Chair is most efficiently being disposed of by the Chair stating, “Unless there is objection, the motion is approved.” If there is an objection, one of the other voting methods is used.
- f) The Chair announces the voting results. This step is always included to insure Councils’ understanding of the outcome and so that the record will accurately reflect the voting results.
- g) Any member of the Council may request an alternative method of voting on any issue.
- h) It is considered inappropriate for members to explain their action during any type of voting.
- i) Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any councilor who voted with the majority or was not present at the time of the vote may move for reconsideration of an action at the same or the next following regular meeting of the Council. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent.

Section 12 COUNCIL RELATIONS WITH CITY STAFF

- a) 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.

- b) The Council sets city policies and goals. The staff implements and administers the policies and goals.
- c) 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 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 or herself, as appropriate. Questions or complaints regarding staff go directly to the Mayor or City Manager.
- d) 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 13 COMMITTEES

- a) 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.
- b) 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 manner consistent with Section 10.1.
- c) 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 Manager, the Mayor or by the Committee Chair. 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.
- d) The Mayor, with 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 or more regular meeting of the committee or commission within one year; 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.
- e) 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.

- f) All meeting 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 14 CONFIDENTIALITY

- a) 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 Manager or City Attorney.
- b) 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.
- c) All public statements, information or press releases on City matters will be handled by the Mayor and/or City Manager or the Mayor's designee.

Section 15 SUSPENSION OR AMENDMENT OF COUNCIL RULES

- a) 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.
- b) Amendments, deletions or additions to these Council Rules shall be by Resolution approved by the City Council.

Section 16 SEVERABILITY

- a) The Councilors agree that if any term or provision of these 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.

