

**RESOLUTION NO. 2021-09**

**RESOLUTION AMENDING COUNCIL RULES SECTIONS 5.1, 5.2 AND  
ADDING COUNCIL RULE SECTIONS 5.5, AND 5.6 PERTAINING TO  
DECORUM, ORDER, ETHICS, AND STATEMENTS TO THE MEDIA AND  
OTHER ORGANIZATIONS**

**WHEREAS**, on September 11, 2020, the Council held a mini-retreat work session to discuss changes to the Council Rules regarding roles and responsibilities of elected officials, council communications, statements to the media, use letterhead, ethics, decorum and censure, interactions with city staff and city attorney, serial communications, and public meetings law; and

**WHEREAS**, the Council reached consensus the Team Agreement and City Council Orientation should be incorporated into the Council Rules and once complete, cease to be documents; and

**WHEREAS**, the Council reached consensus the League of Oregon Cities (LOC) "Model Rules of Council Procedure" (Model) serve as a basis for Council Rule revisions; and

**WHEREAS**, the Council reached consensus during work sessions on November 23, 2020, and January 11, 2021, to amend Council Rule Sections 5.1 and 5.2 and to add proposed Sections 5.5 and 5.6.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:**

**Section 1.** The City Council amends and add to the City Council Rules of Procedures as follows:

**SECTION 5 – DECORUM, ORDER, ETHICS AND STATEMENTS TO MEDIA AND OTHER ORGANIZATIONS**

Amend Section 5.1 to read:

**5.1 Presiding Officer** – The Presiding Officer shall enforce the Council Rules. In addition, the Presiding Officer has the authority to preserve decorum and shall determine all points of order, subject to the right of any councilmember to appeal to the Council. The Presiding Officer shall enforce order, prevent attacks on personalities or impugning members' motives, and keep those in debate to the question under discussion. The Presiding Officer shall use formal procedure when necessary for effective discussion and to focus the meeting.

Amend Section 5.2 to read:

**5.2 Councilmembers** – Councilmembers 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 and Council Rules. Councilmembers shall, when addressing staff, councilmembers, or members of the public, confine themselves to questions or issues that are under discussion.

Councilmembers shall not engage in personal attacks, not impugn the motives of any speaker, be courteous, not interrupt, speak in turn, not engage in side conversations, not communicate on their personal electronic devices during the meeting, and at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of the office. Councilmembers shall not attack the knowledge, skills, abilities, and personalities or impugn councilmembers, staff, or members' of the public motives in Council or any City meetings. Councilmembers agree to be diplomatic about disagreement; leave disagreement at the dais and to not polarize other Councilors. In Council meetings, councilmembers may discuss or suggest anything with the City Manager related to City business.

Councilmembers shall come prepared to the meeting and call the City Manager or designee with questions and requests prior to the meeting. Councilmembers shall use procedure appropriately and courteously. Councilmembers may request on their own accord one-on-one meetings with the Mayor.

Add Section 5.5 to read:

**5.5 Ethics** - All councilmembers shall review and observe the requirements of Oregon Government Ethics laws under ORS Chapter 244, which defines ethics and conflicts of interests for public officials, for example, gifts limits, use of official position for financial gain, disclosure of confidential information, and financial interest in public contracts.

Add Section 5.6 to read:

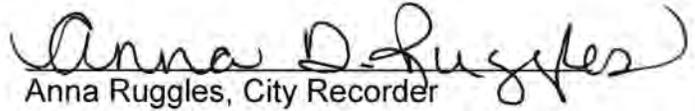
**5.6 Statements to Media and Other Organizations**

- A. Representing City. If a member of the council, to include the mayor, appears as an authorized representative of the city before another governmental agency, the media, or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
- B. Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity (not as an authorized representative of the city) before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.
- C. Councilmembers may use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the

Council. All other use of letterhead by councilmembers requires Council approval. Councilmembers wishing to send a letter must prepare the document in draft form and submit it to city staff for finalization and signature.

**Section 2.** This resolution is effective immediately upon its enactment by the City Council.

**PRESENTED AND PASSED** this 25<sup>th</sup> day of January, 2021.

  
Anna Ruggles, City Recorder

**APPROVED** by the Mayor this 25th day of January, 2021.

  
Peter B. Truax, Mayor



A place where families and businesses thrive.

<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>9.</u>
MEETING DATE:	<u>01/25/2021</u>
FINAL ACTION:	<u>RESO 2021-09</u>

**CITY COUNCIL STAFF MEMORANDUM**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**PROJECT TEAM:** *Anna Ruggles, City Recorder  
Jesse VanderZanden, City Manager*

**MEETING DATE:** *January 25, 2020*

**SUBJECT TITLE:** *Resolution Approving Revisions to Council Rules*

**ACTION REQUESTED:**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ordinance	Order	X	Resolution	Motion	Informational

*X all that apply*

**BACKGROUND:**

The City Council held a mini-retreat on September 11, 2020, to discuss Council Rule changes regarding the roles and responsibilities of elected officials, council communications, statements to the media, use of title and letterhead, ethics, decorum, censure, interactions with city staff and city attorney, serial communications, and public meetings law.

The Council reached consensus on September 11 to incorporate the Team Agreement and City Council Orientation into the Council rules where appropriate. They also reached consensus to use the 2017 League of Oregon Cities (LOC) "Model Rules of Council Procedure" (Model) as a basis for Council Rule revisions.

The Council held a work session on October 12 and reached consensus to incorporate an introduction and a meeting end time into the Council Rules. These items were amended into the Council Rules by resolution on November 9.

The Council held work sessions on November 23, 2020, and January 11, 2021. During these work sessions, Council reached consensus to incorporate proposed Council Rule Sections 5.1, 5.2, 5.5, and 5.6; pertaining to decorum and order, ethics, and statements to the media and other organizations.

**PROPOSED RULE CHANGES:**

To enable an unambiguous review of the proposed changes, the following template is provided:

- Regular text indicates existing Council Rule language.

- **Bold** text indicates proposed new Council Rule language based on the LOC Model.
- ~~Strikethrough~~ indicates proposed deleted existing Council Rule language.
- **Red** text indicates provisions from the Team Agreement.
- **Blue** text indicates past practice guidelines from the City Council Orientation.
- **Purple** text indicates new text proposed by staff.

All proposed rule changes will be presented in two formats. The first format is with mark-ups which show all of the proposed changes. The second format is without mark-ups which is how the rule would read if passed and incorporated into the Council Rules.

There was Council consensus at the January 11 work session to amend the last paragraph of Section 5.2. from the proposed language of:

**“Councilmembers shall be on time to meetings, read the packet prior to the meeting, and call the City Manager or designee with questions and requests prior to the meeting.”**

To the proposed language of:

**“Councilmembers shall come prepared to the meeting and call the City Manager or designee with questions and requests prior to the meeting.”**

This change has been included in the versions below.

## **PROPOSED CHANGES WITH MARK-UP:**

### SECTION 5 – DECORUM, ORDER, **ETHICS, AND STATEMENTS TO THE MEDIA AND OTHER ORGANIZATIONS**

**5.1 Presiding Officer** – The Presiding Officer shall enforce the Council Rules. In addition, the Presiding Officer has the authority to preserve decorum and shall determine all points of order, subject to the right of any councilmember to appeal to the Council. The Presiding Officer shall enforce order, prevent attacks on personalities or impugning members’ motives, and keep those in debate to the question under discussion. **The Presiding Officer shall use formal procedure when necessary for effective discussion and to focus the meeting.**

**5.2 Councilmembers** – Councilmembers 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, **and Council Rules, and Council Team Agreement.** Councilmembers shall when addressing staff, **other councilmembers**, or members of the public, confine themselves to questions or issues that are under discussion.

**Councilmembers shall:** not engage in personal attacks; ~~shall~~, not impugn the motives of any speaker; **be courteous, not interrupt, speak in turn, not engage in side conversations, not communicate on their personal electronic devices during the meeting,** and ~~shall~~ at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of

office. Councilmembers shall not attack the knowledge, skills, abilities, and personalities or impugn **councilmembers, City staff members, or members' of the public** motives in Council or any City meetings. **Councilmembers agree to be diplomatic about disagreement; leave disagreement at the dais and to not polarize other Councilors.** In Council meetings, councilmembers may discuss or suggest anything with the City Manager related to City business (~~pursuant to City Charter, Section 33.1.~~).

**Councilmembers shall come prepared to the meeting and call the City Manager or designee with questions and requests prior to the meeting. Councilmembers shall use procedure appropriately and courteously. Councilmembers may request on their own accord one-on-one meetings with the Mayor.**

**5.5 Ethics - All councilmembers shall review and observe the requirements of Oregon Government Ethics laws under ORS Chapter 244, which defines ethics and conflicts of interests for public officials, for example, gifts limits, use of official position for financial gain, disclosure of confidential information, and financial interest in public contracts.**

#### **5.6 Statements to the Media and Other Organizations**

**A. Representing City.** If a member of the council, to include the mayor, appears as an authorized representative of the city before another governmental agency, the media, or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.

**B. Personal Opinions.** If a member of the council, to include the mayor, appears in their personal capacity (not as an authorized representative of the city) before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

**C.** Councilmembers may use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the Council. All other use of letterhead by councilmembers requires Council approval. Councilmembers wishing to send a letter must prepare the document in draft form and submit it to city staff for finalization and signature.

### **PROPOSED CHANGES WITHOUT MARK-UP:**

**5.1 Presiding Officer** – The Presiding Officer shall enforce the Council Rules. In addition, the Presiding Officer has the authority to preserve decorum and shall determine all points of order, subject to the right of any councilmember to appeal to the Council. The Presiding Officer shall enforce order, prevent attacks on personalities or impugning members' motives, and keep those in debate to the question under discussion. The Presiding Officer shall use formal procedure when necessary for effective discussion and to focus the meeting.

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C. Councilmembers may use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the Council. All other use of letterhead by councilmembers requires Council approval. Councilmembers wishing to send a letter must prepare the document in draft form and submit it to city staff for finalization and signature.

**STAFF RECOMMENDATION:**

Staff recommends the Council consider the attached resolution. If approved, the changes will be incorporated into the Council Rules, distributed to Council, and posted on the website. If a councilmember has any questions beforehand they are encouraged to contact city staff.

**ATTACHMENTS:**

- Resolution approving Council Rule Sections 5.1, 5.2, 5.5, and 5.6 pertaining to decorum and order, ethics, and statements to the media and other organizations.