

CITY COUNCIL RULES OF PROCEDURE

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INTRODUCTION

In Oregon, many city charters, including Forest Grove, require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made and how council members are to interact with other councilors and city staff. The City Charter is the foundation for city governance; the Council Rules put it into practice.

Establishing rules of procedure for council meetings has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council and residents to debate matters of public concern in a courteous and respectful manner that lessens the likelihood of discontent and friction. Third, rules provide guidance to council members on how they are to interact and engage with councilors, city employees and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

Council rules are not exhaustive, and council members should work together in good faith to identify areas in which rules are needed. City councils have a lot of discretion in determining how to conduct their business and can exercise their inherent discretion in crafting a set of rules that match their community's culture, needs and values.

SECTION 1 – AUTHORITY

1.1 Authority - The City of Forest Grove City Charter, Section 10, provides that the Council shall adopt Council Rules by resolution to govern its meetings and proceedings. The following Council Rules shall be in effect upon their adoption by the Council until they are amended or new Council Rules are adopted. These Council Rules shall be presented to all Councilmembers and within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these Council Rules. The City Recorder shall retain the signature copy.

SECTION 2 – GENERAL RULES

2.1 Open Meetings – All City Council meetings will be held in accordance with the Oregon Public Meetings Law (pursuant to ORS 192). No final action by the Council shall have legal effect, unless the motion and the vote by which it is disposed of take place, at a proceeding that is open to the public.

2.2 Quorum – Pursuant to City Charter, Section 12, a majority of the Councilmembers shall constitute a quorum to conduct business, no less than three (3) Councilors may meet and compel attendance of absent members. If a quorum is not present, those in attendance will be recorded, and the Presiding Officer or City Recorder will adjourn the meeting.

2.3 Vote Required – Pursuant to City Charter, Section 13, the express approval of a majority of a quorum of the Council is necessary for any Council decision, except when the Charter or Council Rules requires approval by a majority of the Council.

2.4 Rules of Order – *Robert's Rules of Order Newly Revised* shall govern all Council proceedings, unless they conflict with these rules. The City Attorney or City Recorder, in the absence of the City Attorney, shall act as parliamentarian for the Council.

2.5 Suspension of Rules –The vote to suspend the Council Rules (including *Robert's Rules of Order Newly Revised*) requires a majority vote of those members of the Council who are present. If the motion is carried, the rules shall be suspended for that item only.

2.6 Address by Council Members – Any Councilmember desiring to speak to an issue shall address the Presiding Officer and upon recognition, shall confine remarks to the issue under debate. Councilmembers questioning, seeking clarification, or soliciting a recommendation from staff shall direct the concern to the City Manager. The City Manager may respond as requested or redirect the inquiry to a member of the staff.

SECTION 3 – COUNCIL MEETINGS

3.1 Regular Meeting (Pursuant to City Charter, Section 11) –

The City Council will meet in regular session on the second and fourth Mondays of each month at 7:00-9:30 p.m. in the Community Auditorium, 1915 Main Street, or at another place in the City which the Council designates. The express approval of a majority of a quorum of the Council is necessary to extend the regular session past 9:30 p.m. If such date falls on a City-recognized legal holiday, the meeting shall be held at the usual hour and place on the following day. The Council shall adopt a resolution at the first meeting of each year setting its meeting dates.

3.2 Work Session – The City Council may hold a work session on the first Monday or third Monday of each month at the request of the Presiding Officer at a place in the City which the Presiding Officer designates. Such sessions shall allow the Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with no vote or formal action taken. In case of a joint work session, the Presiding Officer shall call the session to order and turn the session over to the appropriate facilitator. If the group has no facilitator, the Presiding Officer may act as facilitator. All work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Councilmembers. Other work sessions may be called at the discretion of the Mayor or at the request of four (4) members of the Council.

3.3 Coffee-Hour Work Session – The City Council may hold a coffee-hour work session on the first Saturday of each month at the request of the Mayor at a place in the City which the Mayor designates, provided that all discussions thereon shall be informal with no vote or formal action taken. Such sessions shall allow the public an opportunity to meet informally with the Mayor and Councilmembers to discuss issues or concerns they may have, and for the purpose of allowing Councilmembers an opportunity to meet informally with the Mayor to discuss issues or concerns they may have.

3.4 Special Meeting – The Mayor, upon own motion may, or at the request of four (4) members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council. At least 24 hours' notice pursuant to ORS 192.640(3) shall be given for the meeting. The notice shall list the subjects anticipated to be considered at the meeting; however, this requirement shall not limit the ability to consider additional subjects pursuant to ORS 192.640(1).

3.5 Emergency Meeting – The Mayor, upon own motion may, and by giving notice thereof to all members of the Council, call an emergency meeting. An emergency meeting of the Council may be called on less than 24 hours' notice provided that an actual emergency exists. The minutes of the meeting must describe the emergency justifying less than 24 hours' notice pursuant to ORS 192.640(3). Attempts shall be

made to contact the media by telephone, fax, or e-mail to provide notice of the emergency meeting.

3.6 Executive Session – Executive sessions shall be held in accordance with ORS 192.660. Matters discussed in executive session shall be exempt from public disclosure pursuant to ORS 192.660. Executive sessions shall be closed to all persons except the City Council; persons reporting to Council on the subject of the executive session; the City Manager, unless directed otherwise by the Council; City staff persons as allowed by the City Council to attend; news media representatives, unless excluded by the Oregon Public Meetings Law (media representatives may be excluded for discussions regarding labor negotiations or if the media or representative is a party to the litigation being discussed); and other persons authorized by the City Council to attend. The term "news media representative" is interpreted by the Oregon Attorney General to include "news gathering representatives", meaning reporters of news gathering media which ordinarily report activities of the public body (39 Op. Att'y Gen. 600 (1979)). An executive session may be held during any regular meeting or any open meeting for which proper notice has been given. Pursuant to ORS 192.660(6), no final action or final decision may be taken during an executive session; however, an opinion or consensus of the Council may be gathered. All final actions or final decisions must be made in a public session.

Prior to opening an executive session, the Presiding Officer shall:

- Announce the ORS Statute authorizing the executive session and state:
“Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.”

3.7 Adjourned and Recessed Meeting – The City Council may adjourn or recess any meeting to a later date and time by a majority vote of the Councilmembers present. An adjourned or recessed meeting shall be scheduled no later than the next regular meeting. At least 24 hours’ notice shall be given announcing the date and time of the adjourned or recessed meeting.

3.8 Meetings Open to the Public and Serial Communications

- (A) All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192. A quorum of the Council is prohibited from meeting in private to make decisions or deliberate on matters of City business that fall within the scope of the Council’s jurisdiction. This prohibition includes in-person meetings where a quorum exists as well as serial communications that may occur over e-mail, text message, social media, and through conduits such as staff.

- (B) One-on-one or small group (non-quorum) conversations or communications regarding City business are generally permitted as long as the views or thoughts of a quorum of the Council are not shared during those conversations. As a result, Councilmembers should share only their personal views on City business being discussed in one-on-one or non-quorum conversations and not discuss the views or opinions of other Councilmembers who are not involved in the discussion.
- (C) Councilmembers should avoid “replying all” to informational e-mails sent to the entire Council or a quorum of Councilmembers regarding City business that occur outside of a Council meeting. Although one-way information sharing on administrative items (i.e., agenda topics and meeting availability) is permissible outside of a Council meeting, Councilmembers should avoid back and forth conversations between a quorum of members via e-mail.
- (D) Councilmembers should be cognizant that a “serial” meeting can occur through the use of social media if a quorum of the Council engages in discussions regarding City business on a social media platform. As a result, Councilmembers should be careful not to comment or engage in a social media conversation regarding City business that other members of the Council have already participated in.

3.9 Cancellation of Meeting – Upon a majority vote of the Councilmembers present, a meeting may be canceled when deemed appropriate. Pursuant to City Charter, Section 11, the Council must meet at least once a month. Notice of cancellation shall be posted on the bulletin boards at City Hall, Community Auditorium and Library and shall be posted on the City’s website and distributed to Councilmembers, media representatives, and other interested parties upon written request.

3.10 Notice of Meeting – The City Recorder shall provide:

1. Notice of the meeting time;
2. Location of the meeting; and
3. List the subjects anticipated to be considered at the meeting; however, this requirement shall not limit the ability to consider additional subjects pursuant to ORS 192.640(1).

Notice of a meeting shall be posted at least five (5) days prior to the meeting on the bulletin boards at City Hall, Community Auditorium and Library and shall be posted on the City’s website and distributed to Councilmembers, media representatives, and other interested parties upon written request. At least 24 hours’ notice shall be given for a special meeting and an adjourned meeting. Attempts shall be made to contact the media by telephone, fax, or e-mail to provide notice of emergency meetings.

3.11 Attendance Duty – It is the duty of each Councilmember to attend all meetings of the Council. The City Charter, Section 31(B)(2), provides that the Councilmember’s office will be deemed vacant upon absence from the City for 30 days or from all Council meetings within a 45-day period, without Council consent. Consent will be given for good cause as follows:

1. Illness;
2. Family obligations;
3. Employment requirements;
4. Scheduled vacations; or
5. Other City-related business

3.12 Excused/Unexcused Absence – When a Councilmember cannot attend a meeting, the member shall notify the City Recorder, who will notify the Mayor or Presiding Officer, prior to the meeting. The Mayor or Presiding Officer will determine if the absence is considered “excused” or “unexcused”. If the absence is for good cause and there are no objections from other Councilmembers who are present, the City Recorder shall record the absence in the minutes as excused. If the Councilmembers, upon an affirmative vote of the majority of the Councilmembers present, determine the absence is not for good cause, the City Recorder shall record the absence in the minutes as unexcused. Lack of notification will constitute as an unexcused absence.

3.13 Telephonic Attendance – When a Councilmember is unable to physically attend any meeting, pursuant to Section 3.11, the member may attend by conference telephone with at least 24 hours’ advance notice. The City Recorder shall record in the minutes the time the member’s call was connected and the time the member’s call was disconnected.

SECTION 4 – THE PRESIDING OFFICER

4.1 Mayor – Pursuant to City Charter, Section 8, the Mayor shall preside over and facilitate all Council meetings, preserve order, enforce Council Rules, and determine the order of business pursuant to Council Rules, Section 6. The Mayor is a voting member of the Council and has no veto authority. The Mayor, with the consent of the Council, shall appoint members of boards, commissions, and committees established by ordinance or resolution. The Mayor shall sign all records of Council decisions. The Mayor serves as the political head of the City. In the absence of the Mayor, the Council President shall act as Mayor and serve as the Presiding Officer.

4.2 Council President – Pursuant to City Charter, Section 9, at the first meeting each year, the Council shall elect a Council President from its membership. The President shall not serve for more than two consecutive years. The Council President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties. In the absence of the Mayor and Council President at a meeting where

a quorum is present, the Councilmember with the longest continuous service shall serve as Presiding Officer pro tem until such time the meeting is adjourned.

SECTION 5 – DECORUM, ORDER, ETHICS AND STATEMENTS TO 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. 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.

5.3 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.

5.4 Removal of Any Person – Any persons making disruptive or threatening remarks or actions during a meeting shall forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the Councilmembers present. The Presiding Officer may summon the assistance of the

police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the Presiding Officer should fail to act, any Councilmember may obtain the floor and move to require enforcement of this rule; upon an affirmative vote of the majority of the Councilmembers present, the police or administrative staff shall be authorized to remove the person(s) if the Presiding Officer so directed.

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 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) Use of Letterhead. 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.

5.7 Censure

- (A) The Council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a Councilmember violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand.
- (B) The Council may investigate the actions of any Councilmember and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, city ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

SECTION 6 – AGENDA AND ORDER OF BUSINESS

6.1 Agenda Preparation – The City Manager, or designee, shall prepare the final Council Meeting Agenda for each meeting, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered at the meeting. The final agenda and packet shall be delivered to the Council at least (5) days prior to the meeting. The final agenda shall be posted at least five (5) days prior to the meeting on the bulletin boards at City Hall, Community Auditorium and Library and shall be posted on the City’s website and shall be distributed to media representatives, and other interested parties upon written request. At least 24 hours’ notice shall be given for a special meeting and an adjourned meeting. Attempts shall be made to contact the media by telephone, fax, or e-mail to provide notice of emergency meetings.

6.2 Review of Preliminary Agenda – The City Manager shall meet with the Mayor or Presiding Officer to review all preliminary Council agendas.

6.3 Councilmembers Scheduling Agenda Items:

- (A) At any meeting of the Council, a Councilmember may request the Council add or delete an item from the final agenda for that night’s meeting. A majority of the Councilmembers present at the meeting must approve the request and the request must not require a staff report.
- (B) If a Councilmember wishes to propose an item for a future agenda, the Councilmember must propose the agenda item at a Council meeting and it must be approved by a majority of the Councilmembers present at the meeting before being placed on the final agenda for the next Council meeting or an agreed upon future Council meeting.

6.4 Order of Business – The order of business at regular meetings of the City Council shall be as follows:

- 1. **CALL TO ORDER** – The Presiding Officer shall call the meeting to order.
 - (A) **Roll Call**. The City Recorder shall call the name of each Councilor and note each Councilor’s attendance or absence in the record, under the guidelines as set forth in Section 2.2 and Section 3.12, to establish if a quorum is present to conduct business.
 - (B) **Pledge of Allegiance**. The Presiding Officer shall lead the Council and audience in the Pledge of Allegiance.
 - (C) **Proclamations and Awards**. Proclamations and awards will be read and presented by the Presiding Officer, or designee.

2. **PUBLIC COMMENT –**

(A) Time provided for anyone wishing to speak to the City Council on an item not on the agenda or on the agenda but not scheduled for a public hearing may be heard at this time. Written comments to City Council received by 3 p.m. the day of the meeting will be included in the official record of that meeting. Written comments received after that time will be included in the official record of the following meeting.

(B) Persons wishing to speak during public comment must sign the public comment sign-in sheet and list the topic upon which the person wishes to comment. The City Recorder shall post in the foyer before the start of a meeting a Public Comment sign-in sheet.

(C) Comments will be limited to two (2) minutes, unless additional time is granted by the Presiding Officer.

(D) Generally, the Presiding Officer will call speakers in the order in which they signed the sign-in sheet. Speakers shall identify themselves by their names and by their place of residence.

(E) Councilmembers may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit their questioning to no more than two (2) minutes per speaker.

(F) The public comment period shall not exceed thirty (30) minutes, unless a majority of councilmembers present vote to extend the time.

(G) If a member of the public wishes to speak on an item that is scheduled for a public hearing at the same meeting, the speaker shall wait until that public hearing. The procedures outlined for the public hearing will apply.

(H) Persons Sharing Common Concerns. If any group of three (3) or more persons sharing a common viewpoint on any subject wishes to address the Council during the time set aside for Public Comment, the group may select a spokesperson, which may present the views of the group to the Council to a maximum of five (5) minutes, unless additional time is granted by the Presiding Officer. 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, letters, videotapes, etc., shall be presented to the City Recorder at the conclusion of the spokesperson's remarks.

(l) Complaints and Suggestions to the Council. When any citizen brings a complaint before or makes a suggestion to the Council, other than for items on the current meeting agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- (1) Legislative. 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, City Manager, or an advisory body for study and recommendation.
- (2) Administrative. 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 Manager, the Presiding Officer shall refer the complaint directly to the City Manager for review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when the review has been completed.

3. CONSENT AGENDA – Items on the Consent Agenda are considered routine and will be adopted with a single motion, without separate consideration. Any Councilmember or member of the public may request to remove an item(s) from the Consent Agenda prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda.

The Consent Agenda is subject to the following guidelines:

- Items of routine nature, not requiring Council discussion or direction, may be included on the Consent Agenda at the discretion of the City Manager.
- Ordinances, resolutions, orders, and other items requiring a Public Hearing shall not be included on the Consent Agenda.

4. ADDITIONS OR DELETIONS – Changes may be made to the final agenda at the request of the City Manager. Item(s) added to the final agenda may be placed on the agenda as Item 4. A. or prior to the City Manager’s Report.

5. PRESENTATIONS – Time provided for community groups, boards, commissions, elected officials, and staff presentations to the Council. Each presenter is limited to ten (10) minutes to present, followed by five (5) minutes for questions and answers, unless additional time is granted by the Presiding

Officer. Presenters must submit their materials to the City Recorder at least one week prior to the regularly scheduled meeting.

6. PUBLIC HEARINGS – All ordinances, orders, or resolutions requiring a Public Hearing by State law or City policy will be heard. Written and oral testimony shall be heard prior to Council action pursuant to the procedures addressed in Section 8. Public Hearings will be listed on the agenda as follows:

- (1) Ordinances first;
- (2) Orders second; and
- (3) Resolutions third.

7. A. COUNCIL COMMUNICATIONS – Time provided for Councilmembers to present a brief summary of matters of interest to the Council and to present Boards and Commission liaison reports.

7. B. CITY MANAGER’S REPORT – Time provided for the City Manager to report matters of interest to the Council.

7. C. MAYOR’S REPORT – Time provided for the Mayor to report matters of interest to the Council.

8. ADJOURNMENT – Following the completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

6. 5 Changing Order of Business – At any meeting of the Council, the order of the business may be changed or any part thereof suspended for such meeting upon consensus of the majority of the Councilmembers present.

6. 6 Recess – The Presiding Officer may recess any meeting of the Council upon consensus of the majority of the Councilmembers present. The Presiding Officer shall announce the time in which the meeting will reconvene.

6. 7 Motion for Reconsideration – Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, a Councilmember who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Council prior to the approval of the minutes of the first meeting. A vote of reconsideration requires a majority vote of the Councilmembers present. Once a matter is reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Councilmembers present.

SECTION 7 – RESERVED

SECTION 8 – PUBLIC HEARINGS, CONFLICT OF INTEREST OR OTHER DISQUALIFICATIONS

8.1 Public Hearings – Public Hearings shall be held on each matter required by State law or City policy. Quasi-judicial hearing procedures shall be conducted in accordance with ORS 197.763, *Conduct of Local Quasi-judicial Land Use Hearings, Notice Requirements, Hearing Requirements*, unless otherwise provided in the Development Code. The Presiding Officer shall preside over the hearing, announce the purpose and type of hearing and summarize the guidelines for the conduct of the hearing.

8.2 Open Public Hearing – The Presiding Officer shall declare the hearing open and announce the type of hearing and the guidelines for the hearing.

8.3 Call for Abstentions – The Presiding Officer shall call for abstentions from the Council. No Councilmember shall participate in discussion or vote on a matter in which the Councilmember has a direct personal or pecuniary interest. If a Councilmember announces an abstention, the Councilmember shall identify the reason(s) for abstaining and shall not participate in discussion or vote on the matter. Exception: If the recusal results in a lack of a quorum, Councilmember may be counted for the purpose of establishing a quorum; however, the Councilmember must abstain from voting.

8.4 Ex-Parte Contact/Conflict of Interest/Prehearing Bias – Such contacts and conflicts apply to quasi-judicial hearings. The Presiding Officer shall call for such contacts or conflicts from the Council. If a Councilmember discloses an ex-parte contact, the Councilmember shall disclose the nature of the contact and information obtained. If a Councilmember discloses a conflict of interest, the Council shall disclose the conflict of interest. If a Councilmember discloses a prehearing bias, the Councilmember shall reclude themselves and shall not participate in discussion or vote on the matter. No Councilmember shall participate in discussion or vote on a matter in which the Councilmember is unable to render an unbiased decision. Exception: If the recusal results in a lack of a quorum, Councilmember may be counted for the purpose of establishing a quorum; however, the Councilmember must abstain from voting.

8.5 Challenge/Disqualification – Any Councilmember whose participation has been challenged has the right to participate and may make statement in response to the challenge. Such challenge must be made prior to the commencement of the Public Hearing and shall be incorporated into the record of the hearing.

8.6 Objections to Jurisdiction – The Presiding Officer shall inquire if there are objections to the jurisdiction of the Council to hear the matter, and if such objections are received, conduct further inquiry if necessary to determine the question. The Presiding Officer shall terminate the hearing if the inquiry results in substantial evidence the Council lacks jurisdiction or the procedural requirements are not met.

8.7 Staff Report and Recommendation – The Presiding Officer shall call forth the City Manager or City staff to present the staff report. All staff reports to the City Council shall contain the following information:

INTRODUCTORY HEADINGS:

- (1) Meeting Date
- (2) Project Team
- (3) Subject and/or Report Title, and in the body of the report:
 - **ISSUE STATEMENT:**
 - **DISCUSSION AND/OR BACKGROUND:**
 - **FISCAL IMPACT (NEGATIVE OR POSITIVE):**
 - **STAFF RECOMMENDATION:**

8.8 Testimony – Members of the audience may present oral testimony on the matters scheduled for Public Hearing. The Presiding Officer will call forth members of the audience who have signed-in prior to the meeting to present testimony. Testimony will be limited to three (3) minutes, unless the Presiding Officer grants additional time. The Presiding Officer may further limit testimony if a speaker persists in being threatening and disorderly, or abusive, following a warning to that effect from the Presiding Officer. Upon being recognized by the Presiding Officer, any member of the Council or the City staff may ask questions of any speaker. Upon closure of the hearing, no further testimony will be allowed.

8.9 Attorney Representation – Any person attending a hearing has the right to be represented by an attorney.

8.10 Testimony – Land Use Public Hearings – In addition to the procedures outlined above and below, during a quasi-judicial hearing, the testimony must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. The hearing will be as follows:

- 1) Staff Report
- 2) Written Communications – Staff shall facilitate distribution of any written communications to the Council prior to commencement of the hearing. The City Recorder shall record in the minutes any written communications received.
- 3) Applicant’s testimony
- 4) Proponent’s case
- 5) Opponent’s case
- 6) Neutral testimony
- 7) Rebuttal Evidence – After being recognized by the Presiding Officer, the applicant will be offered an opportunity for rebuttal.
- 8) Close Public Testimony – After the record is closed for testimony, no other testimony comments will be heard from anyone unless the City Council has a specific question.
- 9) Staff response to testimony
- 10) Questions for Staff, if any, from the City Council
- 11) Deliberation by the City Council

- 12) Motion, amendments, if any, and Decision (based on criteria)
- 13) Call for the vote

8.11 Land Use Appeal Hearings/Procedures – In addition to the procedures outlined above, land use appeal hearings and procedures shall be conducted pursuant to the provisions set forth in the Development Code.

8.12 Closing of Hearing/Council Deliberation – The Presiding Officer shall close the hearing or continue it to a date and time certain for presentation of further evidence or argument. Upon closing the hearing, the Council may deliberate on the matter immediately, or may deliberate on the matter at a later time. During deliberations, the Council may request advice from the City Manager or City staff as to the consequences and implications of the proposal or alternatives thereto based upon the facts presented during the hearing.

8.13 Reopening of Hearing – If it appears that substantial new factual material is necessary to reach a decision on the matter, the Council may, by majority vote, order the hearing reopened or refer the matter to the Planning Commission for further development of the record. Reopening of a hearing is subject to public notice requirements.

SECTION 9 – ORDINANCES (LEGISLATIVE AUTHORITY)

9.1 Ordinances – Pursuant to City Charter, Section 15, Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Forest Grove ordains as follows:”

9.2 Ordinance Enactment – Pursuant to City Charter, Section 16, ordinances will be enacted as follows:

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the Council at two (2) meetings.
- (b) The Council may enact an ordinance at a single meeting by unanimous approval by at least five (5) members, provided the proposed ordinance is available to the public at least seven (7) days before the meeting as prescribed by Council rules.
- (c) Any substantive amendment to a proposed ordinance must be read aloud before the Council enacts the ordinance.
- (d) After the enactment of an ordinance, the vote of each member must be entered into the Council minutes.
- (e) After enactment of an ordinance and signature by the Mayor, the City Recorder must attest to the ordinance by name, title, and date of enactment.

9.3 Ordinance Effective Date – Pursuant to City Charter, Section 17, ordinances take effect on the 30th day after enactment, or on a later day provided in the ordinance.

An ordinance may take effect as soon as enacted or other date less than 30 days after enactment if the ordinance contains an emergency clause.

SECTION 10 – RESOLUTIONS (ADMINISTRATIVE AUTHORITY)

10.1 Resolutions – Pursuant to City Charter, Section 18, Council will exercise its administrative authority by adopting resolutions. The adopting clause for all resolutions must state “The City of Forest Grove resolves as follows:”

10.2 Resolution Adoption – Pursuant to City Charter, Section 19, resolutions will be enacted as follows:

- (a) Adoption of a resolution or any other Council administrative decision requires approval by the Council at one (1) meeting.
- (b) Any substantive amendment to a resolution must be read aloud before the Council adopts the resolution.
- (c) After adoption of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
- (d) After adoption of a resolution and signature by the Mayor, the City Recorder must attest to the resolution by name, title, and date of adoption.

10.3 Resolution Effective Date – Pursuant to City Charter, Section 20, resolutions and other administrative decisions take effect on the date of adoption, or on a later day provided in the resolution.

SECTION 11 – ORDERS (QUASI-JUDICIAL AUTHORITY)

11.1 Orders – Pursuant to City Charter, Section 21, Council will exercise its quasi-judicial authority by adopting orders. The adopting clause for all orders must state “The City of Forest Grove orders as follows:”

11.2 Order Adoption – Pursuant to City Charter, Section 22, orders will be enacted as follows:

- (a) Adoption of an order or any other Council quasi-judicial decision requires approval by the Council at one (1) meeting.
- (b) Any substantive amendment to an order must be read aloud before the Council adopts the order.
- (c) After adoption of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
- (d) After adoption of an order and signature by the Mayor, the City Recorder must attest to the order by name, title, and date of adoption

11.3 Order Effective Date – Pursuant to City Charter, Section 23, orders and other quasi-judicial decisions take effect on the date of final adoption, or on a later day provided in the order.

SECTION 12 – RECORD OF MEETINGS

12.1 Council Record of Meetings – Pursuant to City Charter, Section 14, City Council must keep a record of its proceedings and official meetings.

12.2 Responsibility – The City Recorder shall be responsible for preparing, amending, retaining, and furnishing copies of all City Council minutes in accordance with State Laws.

12.3 Content of Minutes – Minutes of meetings of the City Council shall comply with the provisions of ORS 192.650 and contain the following:

- a) Names of all Councilmembers present or absent and City staff present;
- b) Name and address, if provided, of all persons testifying;
- c) All motions, proposals, ordinances, resolutions, orders and their disposition;
- d) Results of all votes and the vote of each Councilmember by name;
- e) Substance of any discussion on any matter;
- f) Reflect the matters discussed and views of the participants;
- g) Reference any document or exhibits discussed at the meeting;
- h) Minutes shall be available to the public within seven (7) business days after the meeting.

12.4 Preparation of Minutes and Retention of Audio – In addition to the requirements in Section 12.3, official minutes of the City Council shall record the substance of the meeting and be concise. Minutes will generally follow the chronological order of the agenda items to be considered during the meeting. Verbatim minutes are not required. Official proceedings of the City Council shall be audio recorded and be maintained in accordance with the Oregon Archives Law (pursuant to OAR 166).

12.5 Executive Session Minutes – Minutes of executive sessions shall be kept in accordance with ORS 192 in the form of audio recorded. No transcription of executive session minutes will be made unless otherwise required by State law.

12.6 Distribution of Minutes – Draft minutes are distributed to the City Council with the agenda on which the minutes appear as an item for approval. Minutes released to the public prior to City Council approval shall be stamped “DRAFT”. Copies of audio recording may be released and made available to the public in accordance with the Oregon Public Records Law (pursuant to ORS 192).

12.7 Correction and Approval of Minutes – Approval of the minutes usually takes place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear under the Consent Agenda. If minor amendments are made to the minutes, a Councilmember may offer such amendment prior to the Consent Agenda being adopted. For an extensive amendment, the Council shall remove the minutes from the Consent Agenda for separate consideration. Upon an affirmative vote of the majority of the Councilmembers present, the Council may postpone approval of the minutes until the City Recorder prepares a transcript of the portion of the meeting in question. The Council is final authority as to the amendment to the minutes upon an affirmative vote of the majority of the Councilmembers present.

SECTION 13 – PROCLAMATIONS

13.1 Request for Proclamations – Organizations, citizens, or Councilmembers may request proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals. Upon receipt, the City Recorder will notify the Mayor of the request. Upon the approval of the Mayor, the City Recorder shall prepare the proclamation for the Mayor’s signature.

13.2 Reading of Proclamations – At the discretion of the Mayor, a proclamation shall be read at the Council meeting and presented or mailed to the requesting organization or group.

SECTION 14 – ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES

14.1 Advisory Boards, Commissions, and Committees –The Council may by ordinance or resolution establish any City advisory board, commission, or committee (herein referred to as “B/C”) deemed necessary and in the best interests of the City. Pursuant to City Charter, Section 8(C), the Mayor, with the consent of the Council, appoints members of B/C’s established by ordinance or resolution. B/C’s may not form any subcommittee without Council approval.

14.2 Purpose – The purpose of the Advisory Boards, Commissions, and Committees is to encourage broad-based community representation and to advise City Council within the scope of Council Goals and objectives, unless otherwise directed by Council. B/C’s shall not fundraise unless authorized by the Council. Council-appointed groups are directly responsible to the Council.

14.3 Membership Qualifications – To be eligible for appointment, a person must be 18 years of age or older and a Forest Grove resident for the duration of the appointed term. A maximum of two members of each B/C may reside outside of Forest Grove, so long as they reside within the Forest Grove School District. Student

appointees must be high school grade level and residing or attending school, including home-schooled, in Forest Grove. All appointed B/C members are required to attend training courses as assigned and approved by Council. An individual B/C member may not act in an official capacity. The Council may in its discretion at any time remove a member for any reason, including inefficiency, neglect of duty, or malfeasance in office. Voting members may not be employees of the City. B/C members serve without compensation.

14.4 Composition – Unless authorized by Council or required by state law, all B/C's shall consist of no more than nine (9) voting members.

14.5 Quorum and Meetings – Unless required by state law, a majority of the total number of voting B/C members constitutes a quorum. The B/C shall hold meetings no less than four (4) times a year, unless more frequently as established by the B/C. In January of each year, the B/C shall adopt a schedule of its meetings for the upcoming year, including meeting times and dates for holidays and canceled meetings. The staff liaison shall file the B/C meeting schedule with the City Recorder's Office and publish meeting dates/times on the City's website. In case of a meeting cancellation, the staff liaison shall post a notice at the meeting location and on the City's website prior to the meeting date/time.

14.6 Terms of Office and Officers – Unless required by state law, all B/C members shall be voting members and shall serve four (4) year terms. Student members shall be voting members and shall serve two (2) year terms. Terms shall be staggered evenly amongst the membership, beginning January 1 and ending December 31. The Chair and Vice Chair shall be elected by the voting members at the first regularly scheduled B/C meeting of each year. The Chair may not serve more than 48-consecutive months. Members may not serve on more than two (2) B/C's at the same time. Appointments to vacant positions shall fill out the remainder of the unexpired term.

14.7 Registry – The City Recorder's Office shall maintain a current roster of all B/C members, including appointment date, length of unexpired term, and contact information. A copy of the roster shall be provided to Council at least once per year or upon any substantial change in membership.

14.8 Councilmember Liaisons – The Mayor shall appoint a Council liaison to any B/C. Council Liaisons shall be a non-voting member. The Council Liaisons role is to collaborate between the Council and the B/C to assure each group's collective interest is accurately and effectively represented to the other, and to ensure that B/Cs are working within Council goals and objectives. This includes actively attending and reporting to each entity at their regular scheduled meetings. Council Liaison appointments shall be reconsidered every two (2) years at the first regular Council meeting following the time at which newly-elected Councilmembers officially take office or at the discretion of the Mayor.

14.9 Staff Liaisons – The City Manager shall appoint a staff member as liaison to any B/C. Staff liaisons shall be non-voting and shall assist the B/C by utilizing their expertise regarding City policy and process. The staff liaison shall orient the newly-appointed B/C members prior to the first meeting on the duties of being a member. The staff liaison shall review the agenda in consultation with the B/C chair, prepare minutes upon request of the B/C, oversee and review minutes, post minutes to the website as soon as possible after Council acceptance, prepare and distribute the B/C packet at least five (5) days prior to the meeting, post the final agenda on the bulletin board and/or at the meeting location, submit legal notices for review and copies of approved minutes to the City Recorder's Office, report to the City Recorder's Office any member who has three (3) or more unexcused absences, report any meeting date changes including cancellations, maintain official records in accordance with the City Retention Records Schedule (OAR166-200), and publicly post B/C documents on various media. Staff work for B/C's shall be limited to the above outlined responsibilities unless otherwise directed by the City Manager, and B/C's shall not assign work to city staff.

14.10 Appointments and Reappointments – B/C member recruitment shall begin in September and conclude by December 31st of each year. Once the assigned term of office is completed, the member is excused from the appointment, unless Council reappoints the member for another term of service. Members must apply and be interviewed after every term to continue service. The Council or a Council Subcommittee may interview applicants for approval by the Council. Applicants who fail to attend a scheduled interview may forfeit the opportunity for appointment or reappointment. Once Council conducts interviews and makes appointment recommendations, the City Recorder Office's shall notify applicants in writing of the Council's recommendation. Formal resolutions making appointments will be scheduled under the Consent Agenda at the next regular Council meeting.

14.11 Attendance – B/C members are expected to attend every meeting. Members shall notify the staff liaison prior to the regular meeting to report an absence. The minutes shall record the absence. The City Recorder's Office shall notify any member who has three (3) or more absences in a 12-month period that their position may be subject to vacancy. The Chair, with the consent of the B/C, may submit a recommendation to Council to deem the member's position vacant for three (3) or more absences in a twelve month period.

14.12 Resignations and Vacancies – A member shall submit a written resignation to the staff liaison and make every effort to allow for a 30-day notice. To fill vacancies that occur mid-term, Council shall refer to the current year interviewed applications kept on file in the City Recorder's Office.

14.13 Agenda – The Chair shall compose the meeting agenda in consultation with the staff liaison, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered. A B/C member may propose placing an item on the agenda at a regularly scheduled meeting. If approved by a majority of voting

members present, the agenda item will be placed on the next regularly scheduled meeting agenda or an agreed upon future meeting agenda. The agenda shall follow a standard template provided by the City.

14.14 Open Meetings, Written Minutes and Public Records – All B/C meetings and hearings shall be held in compliance with Public Meetings Law (ORS Chapter 192) and subject to Public Records Law (ORS Chapter 192). A public meeting is defined as two (2) or more B/C members meeting who have been delegated authority by the B/C to advise or make recommendations to the B/C. Written minutes are required for all meetings. Written minutes may include a briefly summarized record of what took place and must include any action items, showing the attendance and vote of each member. Verbatim minutes are not required. The minutes shall follow a standard template provided by the City.

14.15 Bylaws – Changes to a B/C's bylaws or rules of procedures must be approved by City Council. The bylaws shall follow a standard template provided by the City.

14.16 Annual Reporting – The Chair shall submit an Annual Report to the City Council listing the B/C's major activities for the past year and objectives for the coming year. The Annual Reports shall be scheduled on the Council Calendar and approved in January. The Annual Reports shall follow a standard template provided by the City.

14.17 Conflicts of Interest and Ethics Law – B/C members are considered public officials subject to the Oregon Government Ethics Law (ORS 244), which seeks to prevent a public official from receiving financial gain or avoiding a financial detriment because of their status as a public official. B/C Members are also subject to the Restrictions on Political Campaigning when acting in official capacity (ORS 260.432). Planning Commissioners are personally responsible to file an Annual Verified Statement of Economic Interest (SEI) form with the Oregon Government Ethics Commission by April 15 of each calendar year. A civil penalty may be imposed by the State for each violation of any provision of the ORS.

SECTION 15 – ELECTRONIC MAIL

15.1 Electronic Mail – All Councilmembers shall observe the following guidelines when using an electronic method for correspondence in their elected roles:

- 1) All Council e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure (pursuant to ORS 192).
- 2) E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the Council, the City Manager, or City Department Directors.
- 3) E-Mail may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of a standing advisory body in any manner which would be

in violation of the Oregon Public Meetings Law (pursuant to ORS 192).

SECTION 16 – CITY COUNCIL GOAL SETTING

16.1 Council Goal Setting

- 1) **Goal Setting Parameters** – The City Council shall set its goals annually. The goals shall include *Short-Term Goals and Objectives* that the Council plans on completing within the next 12 months and *Long-Term Goals and Objectives* that the Council plans to work on during their term of office and/or future goals and objectives that may take longer to complete.
- 2) **Adoption** – Council Goals and Objectives shall be adopted at a regular meeting of the City Council no later than the second regular session in March of the year.

SECTION 17 – CITY COUNCIL TRAINING AND STIPENDS

17.1 Council Training – All Councilmembers are expected to attend at least one City-affiliated training seminar/conference per calendar year. The annual events that qualify are listed below:

- League of Oregon Cities Annual Conference
- League of Oregon Cities Elected Officials Training Sessions

17.2 Mayor Training – In addition to the above expectation, the Mayor is expected to represent the City at the annual conferences of the Oregon Mayor’s Association.

17.3 Council Training Budget – The Budget Committee, consisting of the Council, shall set the Council Training Budget annually at the recommendation of the City Manager.

17.4 Reimbursement Allowance – Reimbursement allowances for travel, meals not included with the training session, and overnight accommodations expenses may be requested for training and conferences. Training and conference registrations and accommodations requests shall be submitted to the City Manager, or designee, who will make all necessary arrangements on behalf of the requester.

17.5 Council Stipends – Council stipends shall be set by resolution.

SECTION 18 – INTERACTIONS WITH STAFF AND CITY ATTORNEY

18.1 Staff – All members of the Council shall respect the separation between the Council's role and the City Manager's responsibility by:

- (A) Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
- (B) Refraining from actions that would undermine the authority of the City Manager or a Department Head.
- (C) Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.
 - 1. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
 - 2. Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

18.2 City Attorney – Councilmembers may make requests to the City Attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A Councilor may make additional requests within a month or make a request that exceeds two hours with the concurrence of the majority of the Council.

SECTION 19 – MISCELLANEOUS

19.1 Amendments to Council Rules – Amendments to these Council Rules shall be by made by Council resolution.