



# CITY COUNCIL

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## Work Session Meeting Minutes June 12, 2023

Mayor Drotzmann called the regular meeting to order at 6:04pm. Present were Councilors Hardin, Primmer, Barron, Duron, Linton, Myers, and McCarthy. Councilor Peterson was excused. City staff in attendance included: City Manager Byron D. Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Chief Edmiston, Planning Director Clint Spencer, Finance Director Mark Krawczyk, Court Administrator Jillian Viles, Parks and Recreation Director Brandon Artz, and City Recorder Lilly Alarcon-Strong.

### **Council Rules Review & Discussion**

City Manager Smith presented information (attached) regarding the current Council Rules and proposed updates to consider as suggested by the City Attorney, City Recorder, and City Manager. The Council reviewed the proposed changes from pages 1-6, to include Rosenberg's Rules of Order as a consideration to replace Roberts Rules of Order, as Rosenberg's Rules are more common motions, easier to understand and follow for Council members and the general public.

The Council gave input regarding recommended changes as reviewed in the Council Rules that they felt should or should not be made, as well as other edits to the document, and asked staff to research specific items to better help them make decisions on those matters.

City Manager Smith stated work sessions on Council Rules will continue to be reviewed until the entire document has been evaluated.

### **Adjournment**

Mayor Drotzmann adjourned the work session meeting at 6:58pm and stated the Council will take a short break before starting the regular City Council meeting at 7:04pm.

*Current*

Proposed

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

Adopted June 24, 1991  
Revised April 13, 1992  
Revised April 27, 1992  
Revised February 28, 1994  
Revised February 24, 2003  
Revised December 23, 2013  
Revised March 9, 2015  
Revised December 12, 2016  
Revised May 29, 2018

# I. RULES

## 1. AUTHORITY

The City of Hermiston City Charter, Section 11, 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 prior to participating in their first meeting after 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. These rules apply to the City Council but also to the Council's role as the governing body of the Hermiston Urban Renewal Agency.

## 4.2. RULES OF ORDER

~~—All meetings of the council shall be conducted in accordance with, and pursuant to, the provisions of Roberts Rosenberg's Rules of Order, will be used as revised, which said rules are herewith adopted by reference thereto the guideline for conduct of Council meetings, except as the same may be where these Rules specifically varied apply. The City Attorney or changed herein or hereafter. City Manager, in the absence of the City Attorney, shall act as parliamentarian for the Council.~~

## 2.3. PUBLIC MEETINGS LAW

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

## 3.4. SUSPENSION OF RULES

Any provision of these rules not governed by the charter or law may be temporarily suspended at any meeting of the council, by a majority vote of the council. The vote on any such suspension shall be taken by YES and NO and entered upon the record. If the motion is carried, the rules shall be suspended for that item only.

## 5. AMENDMENT OF RULES

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

## II. MEETINGS

### 4.6. REGULAR COUNCIL MEETINGS

Pursuant to City Charter, Section 12 the City Council must meet at least once a month at a time and place designated by its rules. The City Council shall convene will meet in the council chambers at City Hall, 180 NE 2nd Avenue, or at another place in the City which the Council designates.

The City Council will meet in regular session on the second and fourth Mondays of each month.—Unless otherwise specified all, with the exception of designated holidays and/or council cancellations of meetings.

The City Council meeting will generally be in the council chambers in city hall and held from 7:00-10:00p.m. The express approval of a majority of a quorum of the Council is necessary to extend the regular session past 10:00p.m. Meetings shall be called to order adjourned at 7:10:00 p.m. (Amended 2/24/03), if the Council is still in session at 9:30 p.m., the Council will decide whether to continue with the agenda, allowing for one-hour increment extensions upon a majority vote of the council, or move items to a future agenda.

### 5.7. QUORUM

Pursuant to City Charter, Section 13, Five members of the Council shall constitute a quorum. ~~In case a lesser number than a quorum shall convene at a regular or special meeting, the majority of the members present are authorized to send a police officer or other person for any or all absent members, as such majority of members shall agree.~~ to conduct business. In the event a quorum cannot be obtained, the meeting may be adjourned as provided for in Rule ~~13~~14, those in attendance will be recorded, and the Presiding Officer or City Recorder will adjourn the meeting.

### 8. WORK SESSIONS

The City Council may hold a work session on the second Monday or fourth Monday of each month immediately preceding the Regular scheduled City Council meeting. Unless otherwise specified, all work sessions will be held in the council chambers at city hall and begin at 6:00p.m. Work sessions are to be scheduled by the City Manager. Such sessions 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. The City Manager will invite any relevant staff to attend work sessions.

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 Councilors in attendance.

All work sessions are subject to Oregon's Public Meeting's Law and must be noticed accordingly.

### 9. EXECUTIVE SESSIONS

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 session of the City Council may be called by the Mayor, two Council members, the City Attorney, or the City Manager.

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

Announce the purpose of the executive session and the ORS Statute authorizing the executive session.

Announce that “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.”

Announce if the Council intends to return to an open meeting at the conclusion of the executive session.

Executive sessions shall be closed to all persons except the City Council; the City Manager, unless directed otherwise by the Council; the City Attorney; the City Recorder; City staff persons reporting to Council on the subject of the executive session; 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)).

The following entities are recognized as news media organizations eligible to attend executive sessions:

A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or

A newspaper that the City uses for publication of public notices and that meets the requirements of ORS 193.020; or

An entity recognized by the City as being a news source that: Is organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, and that regularly reports on activities of the City of Hermiston or matters of the nature under consideration by the City of Hermiston; and

Is a well-established entity that is committed to complying with the requirement that confidential executive session information be undisclosed. In making this determination, the City may consider and weigh any factors that it deems to be relevant, including whether the entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

The entity seeking recognition as a News Media Organization has the burden of proof to establish that it meets the standards of this section. A determination that the entity is not recognized shall be based upon written findings addressing the criteria in this section.

In making its determination whether to recognize the person as a representative of the news media organization, the City may require: A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or a recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, plus proof of identity; or a letter on letterhead from an editor of the recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity.

The City may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.

Executive sessions may be held during regular, special or emergency meetings, so long as appropriate statutory requirements are met.

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.

Minutes or a recording of the executive session is required.

## **6-10. SPECIAL MEETINGS**

Special meetings may be called by request of two or more council members, ~~or by~~ the mayor upon his own motion, ~~or the city manager.~~ The city recorder shall prepare ~~and post~~ notice of the special session stating time, place and ~~object~~subject, and ~~this notice shall be delivered to~~notify each council member, the mayor and the city manager ~~or left at their usual place or residence or business at least twenty-four hours before the time of the meeting, except in the event of an emergency meeting.~~ It shall also be the duty of the city recorder, immediately upon receipt of written request, to make diligent effort to notify each council member in person, either by telephone~~by phone~~ or otherwise, ~~of such special session.~~ Special Meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place pursuant to ORS 192.640(3). Only matters set forth in the notice of the meeting shall be discussed at such meeting.

Executive sessions

## **11. EMERGENCY MEETINGS**

An emergency meeting of the city Council may be called by the Mayor, ~~two council members or~~ City Manager on less than 24 hours' notice provided that an actual emergency exists. The city recorder shall immediately prepare and post notice of the emergency meeting stating time, place, and subject, and notify each council member, the mayor and the city manager, ~~but shall be confined~~ immediately, by phone or otherwise, before the time of the meeting. The minutes of the meeting must describe the emergency justifying less than 24 hours' notice pursuant to ~~subject matters as provided by~~ ORS 192.660, ~~640(3).~~

## **12. OTHER MEETINGS**

Training, goal setting, or other meetings may be held at the convenience of the Council at a time when as many members as possible can attend.

Training meetings may be held periodically to offer city councilors education on their duties and responsibilities as city elected officials.

Goal Setting. The Council will align its goal setting process to coincide with the development of the annual budget. The goal setting process may include any of the following elements but none of them are required: Input from any public engagement efforts conducted by the City; Input from City staff and Councilors; Reports on the status of key projects; Reports on the financial status of the City; Reports on any changes in State law or regulations affecting city operations; or Reports on the status of prior Council Goals.

## **13. MEETINGS OPEN TO THE PUBLIC AND SERIAL COMMUNICATIONS**

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.

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, Councilors 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 Councilors who are not involved in the discussion.

Councilors should avoid “replying all” to informational e-mails sent to the entire Council or a quorum of Councilors 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, Councilors should avoid back and forth conversations between a quorum of members via e-mail.

Councilors 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, Councilors 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.

#### **14. CANCELLATION OF MEETING**

Council Meetings may be cancelled in the following ways: Upon a majority vote of the Councilors present at any council meeting, a future regular Council meeting may be canceled when deemed appropriate; or If there is no business to transact or a quorum of the Council cannot attend and there is no urgent necessity to have a meeting, the Mayor upon the recommendation of the City Manager may cancel the meeting. Notice of cancellation shall be posted on the City’s website.

#### **15. NOTICE OF MEETING**

The City Recorder shall provide notice of all meetings in accordance with Oregon’s public meeting law. Notice of a meeting shall be posted on the City’s website and may be distributed to Councilors, media representatives, and other interested parties upon written request.

#### **16. ATTENDANCE amended**

It is the duty of each Councilor to attend all meetings of the Council. (Hemiston City Charter, Section 33(b)(2)) When a Councilor cannot attend a meeting, the member shall notify the City Recorder and/or the City Manager, who will notify the Presiding Officer, prior to the meeting. Lack of notification will constitute an unexcused absence.

#### **17. TELEPHONIC/ELECTRONIC ATTENDANCE**

Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Councilors may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

#### **7-18. EXCUSAL DURING MEETING**

No member shall leave the council chamber during council meetings without the permission of the presiding officer.

#### **8-19. SEATING ARRANGEMENT**

Members shall occupy seats in the council chambers assigned to them by the mayor, ~~but any two or more members may exchange seats by joining in a written notice to the mayor to that effect.~~

**20. ADJOURNED SESSIONS**

Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

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### III. MEETING AGENDA

#### 21. COUNCIL MEETING AGENDA

##### 9.1. COUNCIL MEETING AGENDA

~~—All reports, communications, ordinances, resolutions, documents, or other matters to come before the council for consideration must be filed with the city manager's office by end of business of the Wednesday before the next regular meeting of the council.—~~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.

City staff shall furnish a copy of the agenda and related packet to each council member, the mayor, and such other persons as required, at least 40 business hours three (3) days before the council meeting or as far in advance of the meeting as time for preparation will permit. All agenda items filed with the city manager's office for council action shall be arranged according to the order of business, and must be accompanied by an explanation sheet in such form as the city manager shall require. ~~Any items not filed with the manager's office by the time specified shall be~~Agendas will generally be set to allow meetings to end no later than 10:00p.m.

A member of Council who wishes to have an item placed on thean agenda only by must bring the matter before the Council at a regular scheduled meeting. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. Adding a matter to an agenda requires a majority vote of the council members of Council present at the council meeting.

#### 22. ORDER OF BUSINESS

##### 10.1. ORDER OF BUSINESS

The business of all regular meetings of the council shall be transacted in the following order, unless the council by a vote of a majority of the members present shall suspend the rules and change the order (Amended 2/24/03):

CALL MEETING TO ORDER

The Presiding officer shall call the meeting to order

DECLARATION OF QUORUM

FLAG SALUTE/The Presiding Officer shall note each Councilor's attendance or absence in the record and shall declare that a quorum is present to conduct business.

FLAG SALUTE/PLEDGE OF ALLEGIANCE

The Presiding Officer shall lead the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, REGOGNITIONS (IF NEEDED)

Proclamations, PRESENTATIONS, REGOGNITIONS (IF NEEDED) will be read and presented by the Presiding Officer or designee.

CITIZEN INPUT/PUBLIC COMMENT ON NON-AGENDA ITEMS

Items discussed under this section follow the rules stated in Rule 25B

CONSENT AGENDA

Items on NON-AGENDA ITEMS

the Consent Agenda are considered routine and will be adopted with a single motion, without separate consideration.

Items of routine nature, not requiring Council discussion or direction, may be included on the Consent Agenda at the discretion of the City Manager. Items requiring a Public Hearing shall not be included on the Consent Agenda. Consent items may include but are not limited to the following: minutes, liquor licenses, commission/committee appointments, etc. (ITEMS CAN BE REMOVED BY ANY COUNCILOR OR MAYOR)

ITEMS REMOVED Any Councilmember may request to remove an item(s) from the Consent Agenda (IF NEEDED) 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.

PUBLIC HEARINGS (IF NEEDED)

RESOLUTIONS AND ORDINANCES (IF NEEDED)

OTHER (CONTRACTS, AGREEMENTS, FINANCIAL REPORT, ETC.)

COMMITTEE/COMMISSION REPORTS

MAYOR'S REPORT

COUNCIL REPORTS

MANAGER'S REPORT

ADJOURNMENT

#### **4. SPECIAL ORDER**

—To make any subject a special order shall require ITEMS REMOVED FROM THE CONSENT AGENDA (IF NEEDED)

PUBLIC HEARINGS (IF NEEDED)

RESOLUTIONS AND ORDINANCES (IF NEEDED)

OTHER (CONTRACTS, AGREEMENTS, FINANCIAL REPORT, ETC.)

COMMITTEE/COMMISSION REPORTS

MAYOR'S REPORT

Time provided for the consent of a Mayor to present a brief summary of matters of interest to the Council.

COUNCILOR REPORT

Time provided for Councilors to present a brief summary of matters of interest to the Council.

CITY MANAGER REPORT

Time provided for the City Manager to present a brief summary of matters of interest to the Council.

ADJOURNMENT

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

#### **23. RECESS**

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

#### **24. 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 Councilors present.

## IV. PUBLIC COMMENTS & HEARINGS

### 25. PUBLIC COMMENT

A. Electronic Comment - Whenever public comment is allowed in person, to the extent reasonably possible, public comment must be taken electronically as well. That public comment must follow the following procedure:

1. A public zoom meeting link will be provided and anyone wishing to comment must utilize that link.
2. The City Recorder or other city staff will mute all speakers.
3. As the item the participant wishes to address begins the participant must utilize the software's raise hand feature and raise their hand, or similar feature to notify city staff that they wish to speak.
4. When time comes for public comments, the presiding officer will ask staff if any hands are raised, and each hand raised will be given the opportunity to comment. The same five (5) minute time limit apply unless an extension is granted by the presiding officer.

B. Non-Agenda Items - Time provided for anyone wishing to speak to the City Council on an item not on the agenda may be heard at this time. Written comments to City Council received during a specific meeting will be distributed to the Council and included in the official record of that meeting.

1. **Persons wishing to speak during public comment shall be called upon by the Presiding Officer.**
2. Comments may be limited to five (5) minutes, unless additional time is granted by the Presiding Officer.
3. Speakers will identify themselves by their names and by their place of residence.
4. The Mayor and Council should avoid immediate or protracted response to citizen comments (verbal or written), however, 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.
5. The public comment period shall not exceed thirty (30) minutes unless a majority of councilmembers present vote to extend the time.
6. If a member of the public wishes to speak on an item that is on the current agenda, the speaker shall wait until that agenda item. The procedures outlined for a public hearing will apply if necessary.
7. 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 may refer the complaint or suggestion directly to the City Manager for review.

### 26. 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 197.797, *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. City staff shall summarize the guidelines for the conduct of the hearing.

#### Public Hearings Generally

A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.

The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.

Each person shall, prior to giving testimony, give their name, shall indicate whether they are a resident of the city and give their address. All remarks shall be addressed to the council as a body and not to any member thereof.

Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to five (5) minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:

1. Staff presentation
2. Applicant or affected party. Quasi-judicial hearing only.
3. Appellant, if other than applicant. Quasi-judicial hearing only.
4. Other interested persons
5. Questions of staff .
6. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing.

Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed their testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.

The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal

or those in opposition to rise and direct the city recorder to note the numbers in the minutes.

At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.

A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder at or before the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.

Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to their personal safety, and who wishes to exempt their address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.368(1).

## **27. LAND USE HEARINGS**

### **General Conduct of Hearings.**

- A. Any party may speak in person, through an attorney, or another representative present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes their presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city manager, planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

### **II. Quasi-Judicial Land Use Matters.**

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
- a. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
- The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
- b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
- c. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.
- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
  2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The city manager or staff designee shall read the land use hearing disclose statement, which shall include:
    - a. A list of the applicable criteria;
    - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
    - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
3. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
7. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
8. Findings and Order. The council may approve or reject the proposal.
  - a. The council shall adopt findings to support its decision.
  - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **III. Legislative Land Use Matters.**

- A. Hearings Procedures. The order of procedures for hearings on legislative land use

matters shall be:

1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## **28. ORDINANCES, RESOLUTIONS AND ORDERS**

### Ordinance

Ordinances -- Pursuant to City Charter, Section 16, Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Hermiston ordains as follows:"

Ordinance Enactment – Pursuant to City Charter, Section 17, ordinances will be adopted as follows:

1. Except as authorized by subsection (b), adoption of an ordinance requires approval by at least five (5) members present of the Council at two (2) meetings.

### **11.1. ADJOURNED SESSIONS**

~~Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.~~

2. The council may adopt an ordinance at a single meeting by the unanimous approval of all councilors present, provided at least five members of the council are present and the proposed ordinance is available in writing to the public at least three business days before the meeting.
3. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.
4. After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.



5. After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Ordinance Effective Date – Pursuant to City Charter, Section 18, ordinances take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after enactment if the ordinance contains an emergency clause.

#### Resolution

Resolutions – Pursuant to City Charter, Section 19, Council will exercise its administrative authority by adopting resolutions or motions. The adopting clause for all resolutions may state “The City of Hermiston resolves as follows:”

Resolution Adoption – Pursuant to City Charter, Section 20, resolutions will be enacted as follows:

1. Approval of a resolution or any other Council administrative decision requires approval by the Council at one (1) meeting.
2. Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.
3. After approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
4. After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Resolution Effective Date – Pursuant to City Charter, Section 21, resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

#### Orders (Quasi-Judicial Authority)

Orders – Pursuant to City Charter, Section 22, Council will exercise its quasi-judicial authority by approving orders. The approving clause for all orders may state “The City of Hermiston orders as follows:”

Order Adoption – Pursuant to City Charter, Section 23, orders will be enacted as follows:

1. Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one (1) meeting.
2. Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.
3. After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
4. After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Orders Effective Date – Pursuant to City Charter, Section 24, orders and other quasi-judicial decisions take effect on the date of final adoption, or on a later day provided in the order.

## III.V. MINUTES

### 29. GENERALLY

#### 2. All minutes ~~ATTENDANCE RECORD~~

~~The city recorder~~ shall ~~enter~~ be in ~~the minutes~~ written form, with an electronic copy of the meeting maintained by the city recorder in accordance with ORS 192.650. All minutes or recordings shall be available to the ~~names of the council~~ public within a reasonable time after the meeting, and shall include at least the following information:

1. All members of the governing body present;

#### 3. DISTRIBUTION OF MINUTES

2. ~~Prior to~~ All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. The results of all votes and if the vote is not unanimous, the vote of each ~~meeting the city recorder shall furnish each council member, the mayor and the city manager with a copy of the minutes of~~ by name;
4. The substance of any discussion on any matter;
- 2-5. and a reference to any document discussed at the ~~preceding~~ meeting.

#### 12.30. APPROVAL OF MINUTES

The council shall approve all minutes of any meeting. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes. If no objection is made to the minutes of the preceding meeting, the same shall be approved.

## IV.VI.PRESIDING OFFICER

### 4. CALL TO ORDER

#### 31. GENERALLY

The mayor, or in ~~his~~their absence, the president of the council, shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order. The mayor or the presiding officer shall conduct the council meetings and exercise his authority as to the rules of order and conduct.

#### 32. MAYOR

The Mayor shall preside over and facilitate council meetings, preserve order, enforce council rules, and determine the order of business under Council Rules, Section 22. The Mayor has no veto authority and shall sign all ordinances passed by the council within ten days after their passage. The Mayor has no vote on council matters unless there is a tie vote, and in the case of a tie vote on any matter before the council, the Mayor shall cast the deciding vote. The Mayor shall be deemed a member of the Council for the purposes of any voting requirements set forth in the Charter whenever the Mayor votes to break a tie on any matter before the Council. The Mayor must sign all approved records of council proceedings. The Mayor shall appoint members of the council to commissions, boards and committees that are established by state law, ordinance, council rules, resolution or motion, and with the consent of council, shall appoint non-council members to commissions, boards and committees established by state law, ordinance or resolution. The Mayor serves as the political head of the city government.

#### 13.33. COUNCIL PRESIDENT OF THE COUNCIL

~~At its~~Pursuant to City Charter, Section 10, at the first meeting ~~of~~in each odd -numbered year, the Council shall ~~appoint~~elect a Council President from its ~~council members.~~ ~~Except in voting on questions before the council, the president shall function~~membership. The Council President presides in the absence of the Mayor and acts as Mayor when the Mayor is: ~~(a) absent from the council meeting, or (b) unable to function as mayor.~~

### 5. COUNCIL PRESIDENT PRIVILEGES

~~perform duties on account of absence, illness, or other cause.~~ The president retains the right to vote on all matters while presiding over the council but does not have authority to cast an additional vote to break a tie. The president of the council may move, second and debate from the chair, subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a council member by reason of acting as the presiding officer.

#### 14.34. TEMPORARY CHAIRMAN

In case of the absence of the mayor and the president of the council, the city recorder shall call the council to order and take the roll of the members. If a quorum is found to be present, the council shall proceed to elect, by majority vote of those present, a chairman of the meeting, to act either until the mayor or the president of the council appears.

## V-VII. ELECTED AND APPOINTED OFFICIALS

### 35. GENERALLY

All elected (Mayor and Councilors) officials shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Elected officials should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Elected officials should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, social station or economic position.

All City Officials should strive to carry out their duties based on the ideals expressed in Exhibit A related to Servant-Leadership.

### 36. MAYOR

The mayor occupies a position of public trust. The mayor acts as spokesman for the council and release for publication all council decisions, information of policy matters, information on controversial matters and general publicity releases. The mayor, or their delegate, shall take care of all welcoming of distinguished visitors, opening of conventions, laying of corner stones, and other public relations work of that nature. The mayor shall bear in mind at all times that they are the first citizen in the minds of the public and should conduct themselves in such a manner as to bring only credit to themselves and their office.

### 37. COUNCILORS

Councilors occupy positions of public trust. The basic function of the city council is that of establishing policy for the operation of the city. This means that the council is responsible for determining what is to be done, while the problem of how it is to be done is primarily that of the city manager.

Decisions in the establishing of policy for city government may be derived at by following these four steps:

1. *WHAT IS NEEDED?* Sources of this information may come from the council member's own observations, from individual citizen requests, citizen group requests, or from the recommendations of the city manager.
2. *WHAT IS THE WILL OF THE PEOPLE?* Much of what the public wants may be learned by careful listening to comments of individuals, representatives of interested groups, and from the council members' own reactions.
3. *WHAT CAN BE DONE?* A council member's moral obligation to the public is to render decisions that are practical and economically feasible. The back-ground experience of the city manager, his staff, and technical experts should be considered carefully.
4. *TAKE ACTION.* After determining the best policy, put your decisions to work by adopting, defeating, or modifying ordinances or resolutions.

Policy and its administration cannot always be clearly defined; thus, the council and the city manager must work together as a closely knit team. Inasmuch as the city council selects and hires the city manager, it is their responsibility to see that the manager has a chance to administer policy properly and to evaluate their administrative accomplishments.

A council member shall not give, or cause to be given, any direct order to the city manager or their subordinates. Such directives shall come only from the council as a whole. A council member shall not interfere in the

administration of departments or exercise individual authority in any operation under the city manager.

A council member shall not take up the cause for an applicant for an appointive office and shall direct an aspirant to take their cause directly to the city manager on their own merits and not those of the council member.

A council member, when approached with a complaint or criticism, shall refer said complaint or criticism to the city manager telling the complainant that the city manager is better informed on that subject and can give an answer or solution to the problem. Also, the council member should bring the complaint to the attention of the city manager for follow up.

## **6. COUNCIL MEMBERS**

~~—The mayor and the council members occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion. Such officials shall adhere to Oregon Laws on Government Ethics. After the mayor or council member declares a conflict of interest, that official shall leave the council chambers and not return during any discussion, debate or vote on any such matter. After the conclusions of such discussion, debate or vote, the presiding officer shall advise the official with the conflict of interest so that they may return to the council chambers. However, in those cases where all council members would have an equal conflict of interest, for example where the discussion of residential water rates which are set by the city is taking place, after declaring a potential conflict of interest, each of the council members may participate in the discussion, debate or vote on such issue. If after the mayor or council member declares a conflict of interest that official is uncertain as to whether to leave the council chambers and requests the advice of the council, or if after another member of the council or mayor points out a potential conflict of another official, then the issue of the conflict of interest shall be referred to the council for their decision as to the conflict of interest. A majority vote of the council members present, not including the official whose conflict of interest is being questioned, shall be the final authority as to whether a conflict of interest exists. If the majority of the council members decide that an official has a conflict of interest, then that official shall leave the council chambers during any discussion, debate or vote on any such matter as described above. Council members and the mayor shall refrain from making use of, or discussing outside the council chambers, any special knowledge or information before it is made available to the general public and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as they may be issued in the normal and lawful discharge of the duties of those officers.~~

Council shall listen to criticism with interest and concern for the problem presented.

Council members are urged to educate themselves about local government. To that end, and as funding allows, Council members are urged to attend the League of Oregon Cities functions at City expense. Requests to attend other government related conferences, training seminars and meetings will be presented to the City Manager for evaluation of the adequacy of budgeted funds.

Councilors occupy positions of public trust. They should make their best efforts to attend all council meetings and when they are unable to attend, they should follow Rule 16.

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.

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 interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial

application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, gender, social station or economic position.

All Council members are individually responsible for compliance with the Oregon Revised Statutes Chapter 244, governing the ethical conduct of public employees and officials. Violation of these statutes may result in personal liability.

#### **15.38. CITY MANAGER**

The city manager shall attend all meetings of the council, unless excused by the council; shall keep the council fully advised as to the financial condition and needs of the city; may make recommendations to the council and may take part in discussions of all matters concerning the welfare of the city; and shall have a seat but no vote in the meetings of the council.

#### **16.39. CITY RECORDER**

The city recorder or their designee shall serve as clerk of the council and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ~~ordered by the mayor, council or city manager~~needed for the orderly conduct of meetings.

#### **17.40. CITY ATTORNEY**

The city attorney shall, either in person or by deputy, attend all meetings of the council, unless excused by the city manager. ~~Any council member may at any time call upon the city attorney for an oral or written opinion to decide any question of law, with the approval of the council, but not to decide upon any parliamentary rules; however, the attorney may advise the presiding officer on parliamentary matters.~~The City Attorney will have the right to take part in Council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney, if requested, shall act as the Council's parliamentarian, but will have no vote.

## VI.VIII. DECORUM AND ORDER

### 41. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to council. All participants in the meeting should act in a way to bring credit upon the City.

#### Councilors

During council meetings, ~~council members~~councilors shall preserve order and decorum and shall neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the council. No member shall address the chair or demand the floor while any vote is being taken. Every ~~council member~~councilor desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine remarks to the question under debate and shall avoid all personalities and indecorous language, and refrain from impugning the motives of any other member's argument or vote. Every council member desiring to question the administrative staff shall address questions to the city manager who shall be entitled either to answer the inquiries or designate some staff member to do so. ~~A council member once recognized shall not be interrupted while speaking unless called to order by the presiding officer unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. A council member called to order while speaking shall immediately cease speaking until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed, or if ruled to be not in order, shall remain silent or shall alter any remarks so as to comply with the rules of the council.~~ All members shall accord the utmost courtesy to each other and refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. ~~Members~~Councilors shall confine their questions to the particular matters before the ~~assembly~~council and in debate shall confine their remarks to the issue before the council. ~~Members shall be removed from the meeting for failure to comply with the decisions of the presiding officer and/or for continued violations of the rules of the council. If the presiding officer fails to act, any member may move to require said officer to enforce the rules and the affirmative vote of a majority of the council shall require the presiding officer to act.~~

#### Members of the Administrative Staff and Employees

~~City staff and employees of the city~~ shall observe the same rules of procedure and decorum applicable to ~~members of the council.~~councilors. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under ~~his~~their direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is always preserved ~~at all times~~ by city employees in council meetings. The city manager or any staff member desiring to address the council or members of the public shall be recognized by the chair, shall state their name for the record, and shall limit remarks to the matter under discussion. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any individual member thereof. No staff members, other than staff members having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

#### Public

- A. Public members attending council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to council members. ~~Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the council or while attending the council meeting shall be removed from the room as directed by the presiding officer, and such person shall be barred from further audience before the council and not be permitted to return to the meeting unless permission has been granted by a majority vote of the council members present. The removal shall be effected by whomever the presiding officer designates. Unauthorized~~

~~remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who shall direct the removal of such offenders from the room. Aggravated cases shall be prosecuted as provided by ordinance. In case the presiding officer shall fail to act, any member of the council may move to require said officer to act to enforce the rules, and the affirmative vote of the majority of the council shall require the presiding officer to act.~~

Any public member desiring to address the council shall be recognized by the chair, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the ~~council as a whole and not to an individual member thereof. All remarks and questions addressed to the administration of the city shall be addressed to the city manager and not to any individual city employee.~~ presiding officer. No person other than council members and the person having the floor shall enter into any discussion either directly or through a ~~council member~~councilor without permission of the presiding officer.

## **7. PERMISSION REQUIRED TO ADDRESS COUNCIL**

~~Persons other than council members and city officers shall not be permitted to address council except upon either introduction or invitation by the presiding officer or by the chairman of the appropriate committee.~~

### Removal

The Presiding Officer may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey the rules of decorum and order. The Presiding Officer may summon the assistance of the City Police to assist in maintaining order.

## **42. CONFLICT OF INTEREST**

All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion. Such officials shall adhere to Oregon Laws on Government Ethics. After the mayor or council member declares a conflict of interest, that official shall leave the council chambers and not return during any discussion, debate or vote on any such matter. After the conclusions of such discussion, debate or vote, the presiding officer shall advise the official with the conflict of interest so that they may return to the council chambers. However, in those cases where all council members would have an equal conflict of interest, for example where the discussion of residential water rates which are set by the city is taking place, after declaring a potential conflict of interest, each of the council members may participate in the discussion, debate or vote on such issue.

Council members and the mayor shall refrain from making use of, or discussing outside the council chambers, any special knowledge or information before it is made available to the general public and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as they may be issued in the normal and lawful discharge of the duties of those officers.

## **18-43. OFFICERS AND EMPLOYEES TO ATTEND**

The head of any department, or any officer or employee of the city, when requested by the city manager or the council, shall attend any regular, adjourned or special meeting and confer with the council on all matters relating to the city.

## **8. RIGHT OF APPEAL**

~~Any council member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "shall the decision of the chair be sustained?" If a majority of the members vote YES, the ruling of the chair is sustained; otherwise it is overruled.~~



#### **19.44. LIMITATION OF DEBATE**

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes without leave of council.

#### **9. QUESTION OF PRIVILEGE**

- A. ~~PRIVILEGE OF THE ASSEMBLY.~~ Any member may address the council on a Question of Privilege relating to the organization of the council, comfort of members, conduct of members and employees, punishing members for disorderly conduct, conduct of the news media, heating, lighting or ventilation of the council chambers, or any general disturbance.
  - B. ~~PERSONAL PRIVILEGE.~~ Any member may address the council on a Question of Privilege relating to that member's personal comfort, ability to hear or otherwise take part in council proceedings, as well as on discussion which questions that member's integrity, character or motives.
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#### **45. CENSURE**

The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

The Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the full Council upon a finding that a reasonable ground exists that a substantial violation has occurred.

The full Council shall investigate the actions in executive session under ORS 192.660(2)(b), unless the Councilor requests the matter to be held in an open meeting. If held in an executive session, neither the full Council nor any member thereof shall have the right to make public any information obtained through such investigation.

Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

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## **VII.IX. VOTING**

### **46. VOTE REQUIRED**

Pursuant to City Charter, Section 14, 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.

### **20-47. VOTING**

Every member present when a question is put shall vote, unless the council shall, for special reason, excuse a member from voting. Application to be excused from voting must be made before the votes are called for. The member having briefly stated the reason for the request, the decision thereon shall be made without debate.

### **21-48. RECORDING OF VOTE**

The roll call vote shall be put by a vocal response FOR the question, and then AGAINST the question. The vote shall be recorded by name unless ~~unanimously~~unanimous.

### **22-49. PERSONAL INTEREST**

No member stopped from voting by personal interest shall remain in the council chambers during the debate and vote on any such matter.

### **23-50. EXPLANATION OF VOTE DURING ROLL CALL**

It shall not be in order for members to explain their vote during the roll call.

### **24-51. TIE VOTE**

In case of a tie vote on any matter before the council, the mayor shall cast the deciding vote.

### **25-52. VOTING ON ORDINANCES OR RESOLUTIONS**

When an ordinance or resolution is voted upon by the council and does not receive a council majority of YES or NO votes said resolution or ordinance shall automatically be reconsidered at the following council meeting, and successive meetings, if necessary, until such time as a majority vote of the council is achieved.

## **VIII.X. COMMITTEES**

### **26-53. GENERALLY**

The City Council may create standing citizen advisory boards, committees or commissions to aid the Council in the conduct of public affairs. The City Council may also create ad hoc citizen committees to accomplish a specific task or project. All standing citizen advisory boards, committees and commissions shall be governed by COH Chapter 32, except that if application of a provision of COH Chapter 32 conflicts with an applicable state statute, the state statute shall prevail. This definition does not include committees formed by the City Manager.

### **27-54. APPOINTMENTS BY THE MAYOR OR COUNCIL**

~~Whenever the mayor or a council member shall, at any meeting, submit an appointment to be made, confirmation of such appointment shall be deferred until the next meeting.~~

All appointments, unless specifically waived, shall appear on two council agendas, first as a nomination and second as confirmation.

### **28-55. APPOINTMENTS TO MUNICIPAL BOARDS AND COMMISSIONS**

All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating **\$7,500** (revised 02/28/94) or more in any one calendar year. Preference for appointees shall be given to city residents. With the consent of the Council, the Mayor may remove a citizen from a City Board, Commission or Committee prior to the expiration of the term of office.

### **29-56. STANDING COMMITTEES**

These committees are defined by city ordinance and their members are from the public with council liaisons. The mayor shall appoint all committees, subject to confirmation by the council, except as provided otherwise by state statutes or city ordinances. An appointment to fill a vacancy shall be for the unexpired term. Preference for appointments shall be given to city residents.

### **57. COMMITTEE LIAISONS**

The Mayor shall assign a Councilor to act as liaison to boards, commissions, committees or other bodies that advise the Council. Councilors interested in a particular subject area should inform the Mayor of their interest. The Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions when possible. Liaison appointments are generally made on an annual basis.

Council liaisons should make every effort to attend all meetings of the committees, boards and commissions to which they have been assigned. In the event a Council liaison is unable to attend a meeting of the board, commission or committee, the liaison may contact another Councilor to attend the meeting in their stead. If a substitute is not found the councilor may ask the city staff assigned to that committee, commission or board to give them a summary of the meeting they missed. If a liaison fails to attend more than three consecutive meetings of the same committee, commission or board, they may be replaced.

When serving as a liaison to a City board, commission or committee as liaison, Council members will:

1. Not attempt to lobby or influence the board, commission or committee on any item under its consideration. It is important for the advisory body to make objective recommendations to the Council on items before them.

2. The liaison's communications shall reflect the majority position held by the Council on matters referred to the board, commission or committee to the extent such a Council position is known and articulated, or Council's expectations in light of Council adopted goals. The liaison's role is limited to explaining that position or Council expectations for the body.
3. Not vote at the body's meeting on any item.
4. This rule does not apply to non-city bodies when the Council member is the representative of the City.

### **30-58. TERMS AND VACANCIES**

Terms for standing committees shall be ~~three years, defined in their enabling ordinance~~ beginning and terminating on established dates unless otherwise designated by law. Positions shall be staggered so as to provide continuity. All standing committee vacancies will be handled the same with term expiration constituting a vacancy. ~~Vacancies will be advertised by position number only.~~ Members of city advisory boards, committees or commissions may request a leave of absence from their positions of up to nine months.

### **31-59. APPLICATION**

All applications for standing committees must be in writing, on a form provided by the City, addressed to the mayor and delivered before the expiration date established ~~by the council.~~ A basic volunteer background check will be performed on all potential committee members and results will be delivered to the selection committee. A selection committee composed of the mayor and two councilors will review the applications and make recommendations to the council. The two councilors serving on the committee may be rotated annually. The selection committee will select members for all openings including ~~a temporary vacancy~~ caused by a leave of absence.

### **32-60. SPECIAL COMMITTEE APPOINTMENTS**

Special committees for particular purposes may be appointed by the presiding officer, subject to confirmation by the council. There shall be at least three members on each special committee, whether composed of council members, public members, or jointly composed. The presiding officer shall designate the member who is to serve as chairman of the committee. Vacancies occurring on any committee shall be filled in a like manner.

### **33-61. MEETINGS**

Special committees shall meet on call of the chairman, or any two members, and shall report to the council without unnecessary delay upon matters referred to them. A majority of the members of a committee shall constitute a quorum.

### **34-62. NOTICE**

It shall be the duty of the ~~chairman of staff member assigned to each~~ special ~~committees~~committee to give notice of the time and place of meetings as required by ordinance or state law.

### **35-63. REPORTS**

When a committee to which a matter has been referred, with instructions to report at a time in the order of reference, is not ready to report at such time, the matter so referred shall, unless further time be granted, be considered as though reported back without recommendation. In such case, the committee shall forthwith return to the city recorder the documents pertaining to the matter, and the matter shall take its proper place in the Order of Business.

### **36-64. REPORTS TO BE IN WRITING**

The reports of committees shall be in writing, agreed to in committee assembled. Copies of the report shall be

available to each member of such committee, council members, mayor and the city manager. Documents referred to the committee shall be returned with the report. Nothing in this rule shall be construed to prohibit the introduction of minority reports.

**37.65. RELIEVING FROM FURTHER CONSIDERATION**

Upon motion, council may by a majority vote relieve a committee of further consideration of a matter referred to it, and order the same placed on the calendar.

**38.66. POWERS**

No committee shall have the power to employ any person for, or on behalf of, the city, or incur any expense, unless specially authorized by the council. ~~Every committee shall have power and authority to send for persons and papers and examine witnesses under oath, pursuant to the laws of the state, in any matter or proceedings referred to, or before them, and such examination, together with all papers and proceedings, shall be returned to the council-city manager or designee.~~

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## I. MOTIONS

### **10. PRECEDENCE OF MOTIONS**

~~When a question is before the council, no motion shall be entertained, except: (a) to adjourn, (b) recess, (c) appeal a decision from the chair, (d) suspend the rules, (e) object to consideration, (f) to lay on the table, (g) for the previous question, (h) limit debate, (i) to postpone to a set time, (j) to refer to committee, (k) to amend, and (l) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion except motions to postpone to a set time, to refer to committee, or to amend, shall be put to a vote without debate.~~

### **11. MOTIONS TO BE STATED BY CHAIR**

~~When a motion is made and seconded, it shall be stated by the chair before debate. Any member may demand that it be put in writing~~

### **12. WITHDRAWAL**

~~A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the council.~~

### **13. MOTIONS OUT OF ORDER**

~~The presiding officer may at any time by a majority vote of the members permit a member to introduce an ordinance, resolution, or motion out of the regular order.~~

### **14. MOTION TO ADJOURN**

~~A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion, (b) when made as an interruption of a member while speaking, (c) when the previous question has been ordered, and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.~~

### **15. MOTION TO LAY ON THE TABLE**

~~A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two thirds of the members present.~~

### **16. THE PREVIOUS QUESTION**

~~When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main question now be voted on?"~~

### **17. DIVISION OF QUESTION**

~~If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.~~

### **18. AMEND: TO STRIKE OUT**

~~On an amendment to "strike out and insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.~~

### **19. AMEND AN AMENDMENT**

~~A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying, but not changing, the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.~~

**20. MOTION TO POSTPONE**

~~All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.~~

**21. VOTING ON ORDINANCES AND RESOLUTIONS**

~~On the passage of every ordinance and resolution, the vote shall be taken by YES and NO and entered in full upon the record.~~

**22. RECONSIDERATION**

~~After the decision on any question any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of the council. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.~~

**23. DISSENTS AND PROTESTS**

~~Any member shall have the right to express dissent from or protest against any ordinance or resolution of council and have the reason therefor entered in the minutes. Such dissent or protest must be filed in writing, couched in respectful language, and presented to council not later than the next regular meeting following the date of passage of the ordinance.~~

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**67. STATEMENTS TO MEDIA AND OTHER ORGANIZATIONS**

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.

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.

Use of Letterhead. Councilmembers may use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the Council.

**68. ELECTED OFFICIALS' INVOLVEMENT WITH STAFF**

A. All Council members will respect the separation between the Council's role and the City Manager's responsibilities by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
  2. Working together as a team within a spirit of mutual confidence and support.
  3. Respecting the administrative functions of the City Manager and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Council will abide by the City Charter in its dealings with the City Manager.
  4. Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Council members requiring significant staff time or resources (two hours or more) should normally require approval of the Council, although the City Manager may determine to follow up on requests from individual Councilors. Council members should normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by Council members acting in their individual capacity rather than as Council members, nor to questions regarding conflict of interest or similar issues particular to the Council member.
  5. Limiting individual contacts with City officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the City Manager, department heads and other managerial and supervisory employees.
  6. Councilors should never express concerns about the performance of a City employee in public, to the employee directly, or other city employees. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
  7. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.
  8. Nothing in this section or these rules precludes Council members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager.
- B. When any elected officials desire to understand the operations of any city department better, that person should schedule time with the appropriate department head through the City Manager. If the elected official desires to have that time without the City Manager present that needs to be stated when the request is made. Exceptions to this policy are as follows:
1. The elected official visiting a city department location on a matter of personal business with the department, in which case the elected officials shall present themselves at the front counter area and conduct the matter of business in a timely manner with appropriate personnel;
  2. The elected official is present conducting business for their employer;

3. The elected official is present for the purpose of the elected official performing a volunteer service for the department, which service shall have the prior written acknowledgment of the City Manager; and,
4. The elected official participating in the police "ride-along" program or similar program in other departments, which participation shall be limited to not more than one time per quarter per member in any calendar year.

## **69. ANONYMOUS COMMUNICATIONS**

### **39.1. ANONYMOUS COMMUNICATIONS**

Unsigned communications shall not be introduced in council meetings.

## **70. PROCEDURE FOR FILLING COUNCIL VACANCIES**

See Chapter VII-Section 34 Hermiston City Charter

## **71. COMPLAINTS**

### **40.1. PROCEDURE FOR FILLING COUNCIL VACANCIES**

Upon receipt of a resignation of a council member, the council will:

A. Accept the resignation by motion.

Advertise the vacancy in a local newspaper for two weeks stating that the city council is accepting applications for the position and establishing a deadline for applying.

B. The mayor will appoint a council committee, approved by the council, to review applications.

C. The committee will recommend an individual from the applications to fill the vacancy.

D. The council will approve the recommendation.

E. The oath of office will be administered at the next regular council meetings.

### **41.1. COMPLAINTS**

The procedure for complaints shall be:

All complaints involving municipal policies shall be referred to the city council for appropriate action, and except in the most unusual cases, such action shall be preceded by report and recommendation of the city manager who shall have been given ample time and opportunity in which to investigate and to render a report.

All complaints involving charges of unfair hearings or improper hearings or inadequate hearings before advisory boards and commissions shall be processed in the manner provided by state statute.

All complaints with respect to the management of the city shall be referred to the city manager for the necessary or appropriate action in each individual case. In the case of those complaints involving the management of the city wherein the council desires further information, the city manager, when so requested by a majority of the council, shall be given adequate time in which to make the necessary investigation and report.

## **24. AMENDMENT TO RULES OR ORDER AND PROCEDURE**

These rules may be amended or new rules adopted by a majority vote of the council (Amended 02/24/03)

## **25. PRESENCE AT THE POLICE DEPARTMENT**

A. Neither the Mayor or any member of the City Council shall be present at the Hermiston Police Department or in a patrol vehicle with any police officer unless at least one of the following two conditions is met:

The Police Chief or a Police Lieutenant (now Captain) is present and accompanies the Mayor or member of

the City Council while said official is at the Department or in a patrol vehicle with any officer; or,  
~~The Mayor or member of the City Council is accompanied by at least one of their fellow elected officials while said official is at the Department or in a patrol vehicle with any officer.~~

~~The following shall be the only exceptions to this policy:~~

- a. ~~The Mayor or any member of the City Council is present at the Police Department on a matter of personal business with the Department, in which case the Mayor or member of the City Council shall present him- or herself at the front counter area and conduct the matter of business in a timely manner with appropriate duty personnel;~~
- b. ~~The Mayor or any member of the City Council is present at the Police Department on business for her or his employer;~~
- c. ~~The Mayor or any member of the City Council is present at the Police Department for the purpose of performing a volunteer service for the Department, which service shall have the prior written acknowledgment of the City Manager; and,~~
- d. ~~The Mayor or any member of the City Council is participating in the police "ride-along" program, which participation shall be limited to not more than one time per quarter per member in any calendar year.~~

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## II. DUTIES OF THE COUNCIL MEMBER

### 26. COUNCIL DUTIES

~~The basic function of the city council is that of establishing policy for the operation of the city. This means that the council is responsible for determining what is to be done, while the problem of how it is to be done is primarily that of the city manager.~~

~~Decisions in the establishing of policy for city government may be derived at by following these four steps:~~

- ~~1. **WHAT IS NEEDED?** Sources of this information may come from the council member's own observations, from individual citizen requests, citizen group requests, or from the recommendations of the city manager.~~
- ~~2.1. **WHAT IS THE WILL OF THE PEOPLE?** Much of what the public wants may be learned by careful listening to comments of individuals, representatives of interested groups, and from the council members' own reactions.~~
- ~~3.1. **WHAT CAN BE DONE?** A council member's moral obligation to the public is to render decisions that are practical and economically feasible. The back ground experience of the city manager, his staff, and technical experts should be considered carefully.~~

~~**TAKE ACTION.** After determining the best policy, put your~~

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## Exhibit A -Servant-Leadership

- I will base my decisions on the next generation more than the next election, committed to the ideal that my loyalty must be to the entire community (both now and in the future) and not merely to those who got me elected.

A. I will focus on mission, vision and values as the benchmark for my decisions to work by adopting, defeating, or modifying ordinances or resolutions.

~~Policy and its administration cannot always be clearly defined, thus the council and the city manager must work together as a closely knit team.~~

~~Inasmuch as the city council selects and hires the city manager, it is its and recognize that my responsibility to see that the manager has a chance to administer policy properly and to evaluate his administrative accomplishments.~~

~~A council member shall is the pursuit of the greatest good for the entire community and not give, or cause to be given, any direct order to the city manager or his subordinates. Such directives shall come only from the council as a whole. A council member shall not interfere in the administration of departments or exercise individual authority in any operation under the city manager.~~

~~A council member shall not take up the cause for an applicant for an appointive office and shall direct an aspirant to take his cause directly to the city manager on his own merits and not those of the council member.~~

- ~~A council member, when wishing to bring up a citizen complaint, shall first advise the city manager in time to have it put on the the satisfaction of any particular group's agenda for the next regular meeting of the council, thereby giving the city manager time to gather together pertinent facts concerning the complaint or observation and/or solve the problem.~~

~~A council member, when approached with a complaint or criticism, shall refer said complaint or criticism to the city manager telling the complainant that the city manager is better informed on that subject and can give an answer or solution to the problem. Also, the council member should bring the complaint to the attention of the city manager for follow up.~~

~~No decision should be made by council, on any matter, until the city manager has had time to delve into it and give his opinion. Any new business brought up in the meeting, except an emergency measure, should be tabled until the next meeting to give the city manager and council time to ponder its effect.~~

- The council shall try to keep pace with the sentiments of the public by investigating sources of dissatisfaction and discontent. I will make decisions based on fact-based evidence and not allow myself to be manipulated into bad decisions for the future based on the decibel level of critics.

- I will recognize that "it takes a smart leader to know where they are stupid" and have the wisdom to be smart. Accordingly, I will value those who have the courage to tell me what they really think and will listen sincerely to those who disagree with me to truly understand their perspective, recognizing that understanding other perspectives makes me a better leader.

- I will embrace my responsibility to govern rather than to manage, recognizing that if I am doing staff's job I am not doing my job, while also understanding and embracing the appropriately exercised governance role of holding staff accountable.

- I will place a greater emphasis on solutions than on problems, while refusing to offer solutions before I understand the problem.

- I will understand that mutual trust is the foundation for everything and that if I refuse to trust others they will be unable to trust me.

- I will protect the integrity of the process more than the rightness of my position; I will fight hard for my issue but then unify behind the governing body when the decision is made because the decision was made with integrity of process, even if

I disagree with the outcome.

- I will understand that my deeply held beliefs, values and positions will be strengthened, not compromised by courteous, respectful and civil discourse. I will not treat someone as the enemy just because we disagree.
- I will treat everyone with dignity and respect because of who I am as a leader... not because of how they treat me or what I think about them.
- I will be a role model for civility. I will not treat my colleagues or staff in any way that I would be embarrassed if my five year old child treated someone the same way.
- I will never forget – it is not about me and it is not about now.

(As quoted from Strategic Government Resources (SGR) Website on December 28, 2021.) ~~Council shall listen to criticism with interest and concern for the problem presented.~~

### III. DUTIES OF THE ~~MAYOR~~ OR PRESIDING OFFICER

#### 27. ~~MAYOR/PRESIDING OFFICER DUTIES~~

~~The mayor or the presiding officer shall conduct the council meetings and exercise his authority as to the rules of order and conduct.~~

~~The mayor shall act as spokesman for the council and release for publication all council decisions, information of policy matters, information on controversial matters and general publicity releases.~~

~~The mayor, or his delegate, shall take care of all welcoming of distinguished visitors, opening of conventions, laying of corner stones, and other public relations work of that nature.~~

~~The mayor shall bear in mind at all times that he is the first citizen in the minds of the public and should conduct himself in such a manner as to bring only credit to himself and his office.~~

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# *Rosenberg's Rules of Order:* Simple Parliamentary Procedures for the 21st Century





## MISSION:

*To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.*

## VISION:

*To be recognized and respected as the leading advocate for the common interests of California cities.*



### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

### About *Western City* Magazine

*Western City* is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit [www.westerncity.com](http://www.westerncity.com).

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

### About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

# Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

**1. Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

**2. Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.

**3. Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.

**4. Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

## The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct.

The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

## The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

**First**, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

**Second**, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

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There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

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a staff person, or a committee chair charged with providing information about the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

**Fourth**, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

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## Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

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**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

### Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move ...” A typical motion might be: “I move that we give 10 days’ notice in the future for all our meetings.”

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members: “A motion would be in order that we give 10-days’ notice in the future for all our meetings.”
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

### The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**3. The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

### When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**A motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

**A motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

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The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

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**A motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**A motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**A motion to limit debate.** The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

**Motion to limit debate.** Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

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## If you are running the British Parliament, Robert's Rules of Order is a dandy and quite useful handbook.

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motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

### Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

### Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

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It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

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lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

### Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

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speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

lege relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

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