

City of Sandy

COUNCIL RULES

Adopted June 1, 2015
(Resolution 2015-12)

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Agenda. The City Manager shall prepare an agenda of the business to be presented at a regular Council meeting. Wherever possible, it is desirable that no item of business be added to an agenda after 12 Noon on the Friday ten days before the 1st or 3rd Monday of the month. The agenda packet containing all agenda items will be available for the City Council and public on the Thursday four days before the Council meeting.

A. A Councilor may place an item on a Council agenda by motion or with the Mayor's approval. The City Manager shall be notified. Council members will endeavor to have subjects they wish considered submitted in time to be placed on the agenda.

B. A Councilor who desires major policy or ordinance research should first raise the issue at a meeting under Council Reports. The Council should consider items in light of City priorities and workload and agree to proceed with an issue or ordinance before staff time is spent preparing a report. The Councilor may present information or a position paper or ask for a department report or committee recommendation. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.

Annual Report of Boards and Commissions Each board, commission and committee will annually report to the Council on their activities for the previous year at a regular City Council meeting. The report will be prepared in a format prescribed by the Council.

Attendance. Councilors will inform the Mayor and the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the Council President and the City Manager regarding any absence by the Mayor. Meeting attendance is critical to appropriate policy development. Councilors will make best efforts to schedule absences/vacations around Council meetings. Excused absences are typically for personal, family, or medical reasons.

Bias and Disqualification. Any proponent, opponent, or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor's bias, prejudgement, personal interest, or other facts from which the party has concluded that the Councilor will not participate and make a decision in an impartial manner. such challenges shall be made prior to the commencement of the public hearing. The Mayor shall give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted. Such challenges shall be incorporated into the record of the hearing.

A. In the case of a quasi-judicial matter that is heard by the Council, a Councilor must disclose his or her participation in a prior decision or action on the matter that is before the Council. A common example of this is when a Planning Commission member is elected or appointed to the City Council, or if a Councilor testifies at a Planning Commission meeting. The Councilor shall state whether he or she can participate in the hearing with an open mind and with complete disregard for the previous decision made. If the Councilor is unable to hear the matter impartially, the Councilor has a duty to disqualify him or herself from participating in the proceedings and to leave the room.

B. If the City Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Councilor who has been disqualified from participating in a decision may participate in the proceeding as a private citizen if the Councilor is a party with standing.

City Manager Evaluation. The evaluation of the City Manager will be performed under the terms of the Manager's contract.

City Newsletter. As a general policy, the City newsletter should be used for only City government related articles, leaving community articles to local newspapers. Events not sponsored entirely or partially by the City should not be allowed space in the newsletter. Requests for placement of articles in the newsletter shall be approved by the City Manager or designee.

Communication with Staff. Councilors shall respect the separation between policy making and administration by:

A. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.

B. Not attempting to influence or coerce the City Manager or department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.

C. Addressing all inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response. All written information given to the City Manager or his/her designee to one Councilor should be distributed to all Councilors.

D. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.

E. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members.

All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.

Public Comment. At the beginning of each regular meeting, the Council shall designate a time for Public Comment, which shall be reserved for citizens to address the Council on matters related to City government and properly the object of Council consideration. Time is limited to five minutes for each speaker, unless the Council decides prior to the Public Comment period to allocate less time. The purpose of the Public Comment period is to provide citizens an opportunity to be heard by the Council primarily on issues not on the agenda. Councilors should refrain from engaging speakers in debate or extended dialogue, or directing questions to staff for

immediate response. Councilors should refer complaints or questions to the City Manager or the appropriate staff person.

Conferences and Seminars. Members of the Council are urged to educate themselves about local government. To that end, and as funding allows, Councilors are urged to attend the League of Oregon Cities functions. Requests to attend other government related conferences, training seminars and meetings will be presented to the Council for approval. Members of the Council who serve on committees or the boards of the League of Oregon Cities, the National League of Cities or other such government group will be reimbursed for reasonable expenses not covered by the respective body. If a member of the Council is retiring and serves on a League of Oregon Cities, National League of Cities or other such government group committee or board and is expected to attend a meeting, conference or seminar, the approved expenses not covered by the respective body will be reimbursed by the City. Upon the Councilor's return from attending a conference, training seminar or meeting, the Council will give a report to all members of the Council unless the majority attended the same function, or if requested by any Councilor who did not attend the conference, seminar or meeting.

Confidentiality. Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.

A. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

B. All public statements, information, or press releases relating to a confidential matter will be handled by designated staff or a designated Councilor.

C. The Council, by resolution, may censure a member who discloses a confidential matter.

Conflict of Interest. Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor must publicly announce potential and actual conflicts of interest, and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

Consent Agenda. In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on which no debate is expected on a consent agenda. Any item placed on the consent agenda shall be disposed of by a single motion “to adopt the consent agenda” which shall not be debatable. An item removed from the consent agenda shall not receive public testimony unless agreed to by a majority of the Council.

Council Rules. The Council shall review its rules at least once every four years. Amendments shall be adopted by a majority vote. The Council has an obligation to be clear and simple in its procedures and consideration of the questions coming before it. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies, or provisions of the City Charter.

Emergency Meetings. A special meeting may be called by the Mayor or through the request of three members of the Council. All available Council members will be notified, and the meeting will be held at a time between three and forty-eight hours after the notice is given. Special meetings of the Council may also be held at any time by common consent of all members of the Council. The City shall attempt to contact the media and other interested persons to inform them of the meeting. Councilors are responsible to inform staff of how they can be reached when out of town.

Executive Sessions. An executive session (meeting closed to the public) may be held in accordance with the appropriate statutory limits of ORS 192,640. Care will be taken to ensure that proper and timely notice is made in accordance with statutory requirements. Executive sessions may be held during regular or special meetings, so long as appropriate statutory limitations are met.

A. No formal actions can be taken during an executive session. When the Council reconvenes in open session, formal action may be taken. Only the Council, City Attorney and specific staff members, and news media representatives can attend (see also News Media). Members of the press must be told that they may not report the substance of an executive session.

B. A major reason for allowing members of the news media to attend such sessions is to keep them informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. As determined by the Council, minutes may be taken or, in the alternative, a sound recording of the meeting may be made as provided for in ORS 192.650(2). Material discussed during an executive sessions should not be disclosed, as provided in ORS 192.610 and 192.660.

C. The topic areas for which an executive session may be called consist of all items listed in ORS 192.660, including the following:

1. To consider the employment of a public officer, employee, staff members, or individual agent. This applies only to the employment of specific individuals. ORS 192.660 (a)

2. To consider the dismissal or disciplining of, or to hear complaints or charges against a public officer, employee, staff member, or individual agent, unless the individual requests an open hearing. ORS 192.660 (b)
3. To deliberate with persons designated by the governing body to carry on labor negotiations. ORS 192.660 (d)
4. To deliberate with persons designated by the governing body to negotiate real property transactions. ORS 192.660 (e)
5. To consider records exempt by law from public inspections. ORS 192.660 (f)
6. To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. ORS 192.660 (g)
7. To consult with counsel concerning legal rights and duties with regard to current litigation or litigation likely to be filed. ORS 192.660 (h)
8. To review and evaluate the employment related performance of the chief executive officer, a public officer, employee, or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. ORS 192.660 (i)

Exhibits. Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made part of the record. The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.

Ex Parte Contacts and Disqualification. For quasi-judicial hearings, Councilors will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts by a party on a fact in issue under circumstances which do not involve all parties to the proceeding. Ex parte contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive.

A. If a Councilor has ex parte contact prior to any hearing, the Councilor will reveal this contact at the meeting and prior to the hearing. The Councilor shall describe the substance of the contact and the contact and the presiding officer shall announce the right of interested persons to rebut the substance of the communication. The Councilor also will state whether such contact affects the Councilor's impartiality or ability to vote on the matter. The Councilor must state whether he or she will participate or abstain.

B. For quasi-judicial hearings, a Councilor may be disqualified from the hearing by a 60 percent vote of the Council and must leave the room. The Councilor disqualified shall not participate in the debate, shall step down from the dais for that portion of the meeting, and cannot vote on that motion.

C. For quasi-judicial hearings, a Councilor who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Councilor has reviewed all the evidence and testimony received.

Expenses and Reimbursement. Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, set forth in the policy manual. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) will require advance Council approval according to the purchasing rules which apply City wide.

A. The Councilor who will be traveling should make his or her own reservations for travel and lodging. The City will issue the appropriate purchase order/ expenditure upon request and approval by the City Manager.

B. The City does not reimburse Councilors for expenses incurred by their spouses. (Oregon Government Standards and Practices Commission Advisory Opinion 93A-1007)

Filling Vacancies on the Council. Upon declaring a vacancy on the City Council, the Council will fill the vacancy under provisions of the City Charter. When the balance of the term of a vacant Council position is less than one year or until an election is held, the Council will make an appointment to the seat. The vacancy will be advertised and applications will be completed. After the filing deadline has passed the Council will conduct public interviews of all applicants. The Council will make a decision to fill the vacancy in a public meeting.

Filling Vacancies on Boards, Commissions and Committees. When a vacancy occurs on any standing commission, board or committee the City Manager shall cause applications to be filed by all interested candidates.. The Council will interview applicants for the Planning Commission and Budget Committee. The Mayor will make a nomination for each vacancy for approval by the Council. The Mayor may open the process of selection by taking nominations from the Council; then make an appointment for approval by the Council.

Flags, Signs and Posters. No flags, posters, placards or signs, unless authorized by the Mayor, may be carried or placed within the Council chambers in which the Council is official meeting. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing or individuals, provided that such devices do not interfere with the vision or hearing of other persons at the meeting or pose a safety hazard.

Gifts. On occasion, and within the approved budget, the Council may wish to purchase a gift or memento for someone with City funds. Expenditures of this type should receive prior approval from the Mayor.

Government Standards and Practices Commission Requirements and Reporting. Councilors shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain.

A. Councilors shall give public notice of any conflict of interest or potential conflicts of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public.
2. Making decisions involving business associates, customers, clients, and competitors.
3. Repeated violations of Council Rules.
4. Promoting relatives, clients or employees for boards and commissions.
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends.
6. Seeking employment of relatives with the City.
7. Actions benefiting special interest groups at the expense of the City as a whole.
8. Expressing an opinion which is contrary to the official position of the Council without so stating.

B. In general, Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

C. In accordance with ORS 244.195, it is the Councilor's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission. Each year, on or around April first, Councilors will be sent a Statement of Economic Interest form from the Government Standards and Practices Commission. Councilors should complete the form and return it directly to the Commission. It is important to complete the form in a timely manner; failure to do so may result in the imposition of a civil penalty and/or removal from office. Councilors are also responsible for filing a Supplemental Statement of Economic Interest with the Government Standards and Practices Commission within 30 days of leaving office.

Legal Advice. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique and sensitive personnel, yet City business-related requests. The

City Attorney shall in either case provide any written response to the full Council and City Manager.

Liaison to Boards, Commissions and Committees. To facilitate the exchange of information between the Council and its advisory bodies and standing committees, the Mayor will, at least biennially, make liaison and membership appointments to City boards, commissions and committees. In order to respect the separation between policy making and advisory boards, commissions and committees, councilors assigned as a liaison to advisory boards and committees shall adhere to the following guidelines:

- A. Not attempting to lobby or influence boards, commissions and committees on any item under their consideration. It is important for the advisory body to make objective recommendations to the Council on items before them.
- B. Attending meetings of assigned liaison bodies, but should avoid becoming involved in the body's discussions without first explaining his or her role as a Council liaison.
- C. Not voting at the body's meeting on any item.

The agenda for the board, commission or committee will have an item for the Councilor to share information from the City Council and vice versa with the advisory body.

Councilors assigned as members of a board, commission, task force, or committee shall participate in the discussion and framing of recommendations to forward on to the full City Council. Councilors will represent the position of the advisory board, commission, task force, or committee when presenting recommendations to the City Council.

Interaction with Departments. Councilors shall respect the separation between policy making and administration by:

- A. Not influencing or coercing the City Manager or department head concerning personnel, purchasing, work priorities or operations.
- B. Addressing all inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response. All information given to one Councilor should be distributed to all Councilors.
- C. Limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.
- D. Not changing or interfering with the operating rules and practices of the City department.
- E. Working together with the staff as a team in a spirit of mutual confidence and support.

- Litigation.** Within 30 days of the City's receipt of:
- A. A statutory notice of intent to sue, or
 - B. A summons and complaint for damages.

The Council will either receive a written report, or will meet in executive session with the City Manager

Meeting Staffing. The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Attorney will attend the first Council meeting of the month unless excused, 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. The City Manager shall designate a staff or contract person as a meeting recorder who will attend all Council meetings and keep the official journal (minutes) and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff will attend Council meetings upon request of the City Manager.

Meeting Times. The Council shall meet regularly at 7:00 p.m. on the first and third Monday of each month in the Council Chambers. Such meetings may be preceded by a work session which shall be open to the public.

Minutes. Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.

A. The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing the following information at a minimum:

- 1. The name of Councilors and staff present.
- 2. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
- 3. The result of any votes, including ayes and nays and the names of the Councilors who voted.
- 4. The substance of the discussion on any matter.
- 5. Reference to any document discussed at the meeting.

B. The Council may amend the minutes to more accurately reflect what transpired at a meeting. Upon receipt of the minutes in the Council agenda packet, the Council members should read and submit any changes, additions or corrections to the City Manager in order that a corrected copy can be issued prior to the meeting for approval. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes such a change.

Motions. When a motion is made, it shall be clearly and concisely stated by its mover. Councilors are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The Presiding Officer will state the name of the Councilor who made the motion and the name of the Councilor

who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

A. A motion may be withdrawn by the mover at any time without the consent of the Council.

B. If a motion does not receive a second, it dies. Certain motions can proceed without a second, including nominations, withdrawal of motion and agenda order.

C. A motion that receives a tie vote fails.

D. A motion to table is not debatable unless made during a land-use hearing and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular meeting at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.

E. A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting or no later than the next meeting.

F. A motion to postpone indefinitely is debatable and is not amendable and may be reconsidered at the same meeting only if it received an affirmative vote. The object of this motion is not to postpone, but to reject the question without risking a direct vote when the maker of this motion is in doubt as to the outcome of the question.

G. A motion to call for the question shall close debate on the main motion. A second motion to call for the question is undebatable. Debate is reopened if the motion fails.

H. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.

I. Motions that cannot be amended include motion to adjourn, agenda order, lay on the table, reconsideration, and take from the table.

J. A motion to amend an amendment is not in order.

K. Amendments are voted on first, then the main motion as amended.

L. Council will discuss a motion only after the motion has been moved and seconded.

M. The motion maker, Presiding Officer, or meeting recorder should repeat the motion prior to voting.

N. A motion to continue or close a public hearing is debatable.

O. A point of order, after being addressed by the Presiding Officer, may be appealed to the body.

News Media. The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. See also Executive Sessions. The terms “new media” “press” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

A. Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and either

B. Regularly reports on the activities of government or the governing body; or

C. Regularly reports on the particular topic to be discussed by the governing body in executive session.

Order and Decorum. A law enforcement officer of the City may be Sergeant-at-Arms of the Council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the Mayor for the purposes of maintaining order and decorum at the Council meeting. If the Sergeant-at-Arms determines that the actions of any person who violates the order

and decorum of the meeting constitutes a violation of any provision of the Sandy Municipal Code, the Sergeant-at-Arms may place such person under arrest and cause such person to be prosecuted under the provisions of the Municipal Code, or take other appropriate action as outlined in the Sandy Official Police Manual Revised.

A. Any of the following shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Mayor, or by a majority of the Council present, remove any person from the Council chamber for the duration of the meeting:

1. Use of unreasonably loud or disruptive language.

2. Making of loud or disruptive noise, including applause.

3. Engaging in violent or distracting action.

4. Willful injury of furnishings or of the interior of the Council chambers.

5. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.

6. Refusal to obey an order of the Mayor or an order issued by a Councilor which has been approved by a majority of the Council present.

B. Before the Sergeant-at-Arms is directed to remove any person from a Council meeting for conduct described in this section, that person shall be given a warning by the Mayor to cease his or her conduct. If a meeting is disrupted by members of the audience, the Mayor or a

majority of the Council present may declare a recess and/or order that the Council chamber be cleared.

Order of Business. The order of business at a regular Council meeting may be as follows:

- A. Call to Order
- B. Public Comments.
- C. Proclamations and Recognitions from Council.
- D. Business Meeting.
 - 1. Public Hearings
 - 2. Ordinances and Resolutions
 - 3. Council Policy Issues
 - 4. Other Business
 - 5. Consent Agenda
- E. Report from the City Manager.
- F. Business from the Council.

Ordinance Reading and Adoption. All ordinances and resolutions shall be prepared under the supervision of the City Manager and reviewed as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department head.

A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only and effective upon adoption.

B. The Council may adopt an ordinance in any of the following circumstances:

1. Before being considered for adoption, the ordinance has been read in full at two separate Council meetings;

2. At a single meeting, without objection and by unanimous vote of the whole Council, after being read once in full and once by title only;

3. At a single meeting, if copies are provided to each Councilor and three copies are available for public inspection one week before the first reading.

C. Ordinances shall be effective on the thirtieth (30th) day following the date of adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for immediate preservation of the public peace, property, health, safety or morals may provide that it will become effective upon adoption.

D. Councilors can call for a roll-call vote on any ordinance or resolution, otherwise they may be adopted by the provisions outlined in the city charter.

Planning Commission Testimony. The Planning Commission was established in compliance with state statute to make recommendations to the City Council on general land use issues and to

act as a hearing body for the City. In an effort to maintain the impartiality of the Planning Commission, especially in cases where issues can be remanded by the City Council back to the Planning Commission for review, the following rules are established. For legislative land use matters before the Council, Commissioners may testify as a Commissioner, as a Commissioner representative if so designated by the Commissioner, or as a citizen. For quasi-judicial hearings or petitions for review before the Council, Commission members, who have participated in the proceeding Commission decision, may not testify before the Council on the respective matter.

Presiding Officer. The Mayor shall be the Presiding Officer and conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Council President shall preside in the absence of the Mayor. The Presiding Officer shall not be deprived of any of the rights and privileges of a Councilor. In case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a chairperson for the meeting by majority vote.

Public Members Addressing the Council.

A. When called by the Presiding Officer, those wishing to address the Council shall come to the designated area and state their name and address in an audible tone. They shall limit their remarks to five minutes unless the Council decides prior to a particular agenda item to allocate more or less time. They shall address all remarks to the Council as a body and not to any member thereof.

B. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Mayor. Questions from the public shall be asked of a Councilor or staff through the Mayor. No public member will be allowed to speak more than once on a particular agenda item.

C. Any person making personal, offensive, or slanderous remarks, or who become boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. The Mayor has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the rules of the Council. The Mayor may request the assistance of Sergeant-at-Arms to restore order at any meeting.

Public Hearings.

A. Legislative Hearings:

1. The Mayor shall announce prior to each public hearing the nature of the matter to be heard as it is set forth on the agenda.

2. Discussion of conflict of interest of the Sandy City Council and Councilors.

3. The Mayor will then declare the hearing to be open and invite members of the audience to be heard in the following order:

- a. Staff introduction of topic.
 - b. Correspondence.
 - c. Persons wishing to speak on the matter.
4. The Mayor will call for the staff report.
 5. Close the public hearing.
 6. Council deliberation and vote.

B. Quasi-Judicial Hearing: Conduct of quasi-judicial hearings shall conform to the requirements of ORS 197.763 and the Sandy Development Code including, but not limited to the following:

1. The Mayor shall announce prior to opening the hearing the nature of the matter to be heard as it is set forth on the agenda and the procedure to be followed for the hearing.
2. The Mayor shall give notice that failure to address a criterion or raise any other issue with sufficient specificity precludes an appeal to the Land Use Board of Appeals on that criterion or issue.
3. Discussion of jurisdiction and impartiality of the Sandy City Council and Councilors.
4. Staff introduction of appeal.
5. Correspondence.
6. Appellant's presentation.
7. Other testimony in support of the appeal.
8. Applicant's testimony, if appropriate.
9. Opponent's testimony.
10. Neutral testimony.
11. Staff report and recommendation.
12. Appellant's rebuttal testimony.
13. Applicant's rebuttal testimony.
14. Upon demonstration of new evidence presented during applicant's rebuttal, any participant may petition the presiding officer for an opportunity to present sur rebuttal.

15. Questions from the Council to staff.
16. Closure of public hearing, no further information from the audience.
17. Discussion by Council and decision.
18. Council has the discretion to adopt findings or direct the staff or prevailing party to submit proposed findings for Council consideration and adoption at a future meeting. If adoption of findings is postponed to allow staff or prevailing party to submit findings, Council will allow written comments on the findings only by both proponents and opponents prior to adoption.

C. If there are objections to the jurisdiction of the City Council to hear a matter, the Mayor shall terminate the hearing if the inquiry results in substantial evidence that the Council lacks jurisdiction or the procedural requirements of any code or ordinance provision were not met.

Public Records. The disposition of public records created or received by Councilors shall be accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including electronic mail messages, notes, memos and calendars (e.g., “Daytimers”) are public records and are subject to disclosure under the Public Records Law.

Questioning of Staff by Council Members. Every Council member desiring to question the staff during a Council meeting shall address the questions to the City Manager, who shall be entitled to either answer the inquiry or designate a staff member to do so.

Quorum. The quorum requirement for the conduct of Council business is four Council members.

Reconsideration of Actions Taken. A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council.

Representing the City. When a member of the City Council represents the City before another governmental agency, before a community organization or media, the official should first indicate the majority position of the Council. Personal opinions and comments may be expressed only if the Councilor clarifies that those statements do not represent the position of the Council.

A. The effectiveness of City lobbying in Salem or in Washington, D.C. depends on the clarity of the City’s voice. When Councilors represent the City in a “lobbying” situation, it is appropriate that the Councilors avoid expressions of personal dissent from an adopted Council policy.

B. When Councilors attend meetings of organizations such as the League of Oregon Cities or the National League of Cities and their boards and committees, they do so as individual elected officials and are free to express their individual views. If the City Council has an adopted policy relating to an issue under discussion, the Councilor is expected to report that fact.

Speaking by Council Members. Any Councilor desiring to be heard shall be recognized by the Mayor, but shall confine his or her remarks to the subject under consideration or to be considered. Councilors will be direct and candid. Councilors will speak one at a time, allowing one another to finish.

Special Meetings. The Mayor, or in the Mayor's absence, the President of the Council, may, or, at the request of two members of the Council, shall call a special meeting for the Council.

A. Written notice of a special meeting shall be given each member of the Council at least 24 hours in advance of the meeting. The notice shall be served on each member personally or electronically, or if the Councilor is not found, left at his or her place of residence. All notice requirements of ORS 192.640 shall be satisfied before any special meeting can be conducted.

B. Special meetings of the Council may also be held at any time by common consent of all members of the Council subject to notice requirements being met. Councilors shall keep the City Manager informed of their current telephone numbers.

Suspension of Rules. These rules may be suspended at any time upon majority vote of a quorum of the Council.

Televising of Council Meetings. Acknowledging that the citizenry of Sandy is generally a sophisticated and interested viewing audience, regular business meetings of the Council will be covered gavel-to-gavel live on the City's government access cable channel. Videotapes will not be kept.

A. To enhance viewer interest and understanding of the subject matter, televised meetings of the Council shall, whenever practical, employ the highest technical quality and techniques, such as multiple camera angles and informational captioning.

B. It is intended that Council meetings be televised in an unbiased, even-handed manner, using camera shots that are appropriate for individual Councilors, witnesses and audience members and are relevant to the discussion.

C. Video and audio shall be deleted only for the purpose of conforming with applicable laws governing public broadcasts. Editing for the above purpose and for the insertion of informational titles and graphics will be allowed. Portions of videotaped Council meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.

D. Regular business meetings of the Council shall be televised live and simultaneously videotaped for subsequent replay on the government access channel. Meetings shall be televised and taped in accordance with policies and procedures approved by the City Manager, including the camera operator's guide.

Voting. Every Councilor, when a question is taken, shall vote unless a majority of the Council present, for special reason, shall excuse said person.

A. No Councilor shall be permitted to vote on any subject in which he or she has a conflict of interest.

B. The concurrence of majority of the Council members present at a Council meeting shall be necessary to decide any question before the Council. The meeting recorder shall call the roll, and the order of voting shall be rotated on each question in order that each Councilor has an equal opportunity vote first and last. In the event of a tie vote, the matter before the Council shall be a NO vote.

Work Sessions. Work sessions of the City Council shall be held in accordance with the Oregon Public Meetings Law (ORS 192.6-710). Whenever circumstances require such a session, it shall be called by either the Mayor, City Manager, or two Councilors.