

# PROPOSED AMENDMENTS

## City of St. Helens CITY COUNCIL OPERATING RULES AND PROCEDURES

### SECTION I – AUTHORITY

These operating procedures and policies are adopted under the authority granted in the St. Helens Charter, Chapter III, Section 13.

### SECTION II – OFFICERS OF THE CITY COUNCIL

1. **Mayor** – The Mayor shall be chair of the Council and preside over its deliberations. The Mayor shall have a vote on all questions before the Council. The Mayor shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. With the consent of the Council, and following the procedures of the Council, appoints members of commissions and committees established by ordinance or resolution. The Mayor must sign all records of Council decisions.
2. **Council President** – At its first meeting of each odd-numbered year, the Council by written ballot shall elect a President from its membership. The President of the Council shall perform the duties of the Mayor in the Mayor's absence.

### SECTION III – MEETINGS OF THE CITY COUNCIL

#### 1. Meetings

All meetings of the Council or the boards, committees, and commissions of the City shall be in conformance with Chapter 192, Oregon Revised Statutes, Public Meetings.

##### A. Regular Meetings

The regular meetings of the Council shall be on the first and third Wednesdays of each month, except when that day falls on a legal holiday in which event the Council shall meet on the next following regular business day. Unless otherwise noticed, regular meetings shall be held on the days appointed at 7:00 p.m.

At its first regular meeting of each new year, the Council shall adopt a resolution stating the dates, times, and locations of its regular meetings for the year.

##### B. Special Meetings

A special meeting may be called either by the Mayor or two (2) members of the Council. Written notice of the time and place of such special meeting and the subjects to be acted upon shall be delivered in writing to interested persons, the media, and all members of the Council at least 24 hours in advance of the time of said meeting, and the Council may consider and act only upon such matters as contained in the written notice.

##### C. Work Session Meetings

Regular work sessions of the Council shall be on the first and third Wednesdays of each month, unless otherwise noticed, and shall be held on the days appointed at 12:00 p.m. At such work sessions no final decisions may be made or action taken. Work sessions shall begin with visitor comments to provide the public with an opportunity to address the City Council.

At its first regular meeting of each new year, the Council shall adopt a resolution stating the dates, times, and locations of its work session meetings for the year.

## **D. Adjourned Meetings**

At any regular or adjourned meeting, the meeting may be adjourned to a later date by a majority vote of the Council. In the event any regular meeting is adjourned, the Mayor may call an adjourned meeting at such time as the Mayor may designate upon giving appropriate legal notice and having each councilor notified personally, or in writing, at least 24 hours in advance of the time and place of such adjourned meeting.

## **E. Public Hearings**

The regular public hearings of the Council shall be on the first and third Wednesdays of each month, unless otherwise arranged, and shall be held on the days appointed between 6:00 p.m. and 7:00 p.m. depending on the purpose. Staff may, at its discretion, schedule such time as needed per topic and considering the start of the Council's regular meeting at 7:00 p.m. At public hearings, no final decisions may be made or action taken by the Council.

## **F. Public Forums**

Public forums are to provide the public an opportunity to receive topic specific information and provide input and testimony. Public forums will be held in City Hall or such other locations as may be determined by the Council.

## **G. Emergency Meetings**

Emergency meetings are special meetings called on less than twenty-four (24) hours' notice. The Council will declare the emergency and the minutes of the meeting will describe the emergency justifying less than twenty-four (24) hours' notice. The City will take appropriate steps to notify the media and other interested persons to inform them of the meeting. Notice will be by electronic mail.

## **H. Executive Sessions**

All executive sessions of the Council shall be called and conducted in accordance with the Oregon Public Meetings Law. No executive session may be held for the purpose of taking any final action or making any final decision. Final actions and final decisions must be done in open regular meetings of the Council. Executive session attendance shall be determined by the Mayor (as the presiding officer) or the Council.

## **2. Meeting Place**

All Council meetings shall be held in the City Hall or such other location as may be determined by the Council.

## **3. Quorum**

A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance or these rules.

## **4. Attendance**

The Mayor and Councilors are expected to attend all Council meetings and work sessions. The City Charter provides that the position of Mayor or a Council member becomes vacant upon an incumbent's unexcused absence from the City for 30 days without the consent of the Council or upon ~~his/her~~their absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy. Excused absences from Council meetings and work sessions may be granted on a ~~case-by-case~~case-by-case basis.

A Councilor who is unavailable in person may participate in work sessions, ~~and~~ regular meetings, ~~and any other Council meeting~~ by Zoom or conference phone ~~if approved by the Mayor and two members of the Council. If telephonic participation is approved, the Councilor would be considered in attendance.~~

## 5. Ordinances

Every ordinance shall be enacted in accord with Chapter IV of the St. Helens City Charter. The enacting clause of all ordinances shall be “The City of St. Helens ordains as follows:”. Except as the following paragraphs provide to the contrary, every ordinance title shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

Except as the following paragraph provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present, upon being read first in full and then by title.

Any of the readings may be by title only if no Council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall, on the City’s website, and two other public places in the City or by advertisement in a newspaper of general circulation in the City. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in an open Council meeting as finally amended prior to being approved by the Council.

Upon final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

Upon the enactment of an ordinance the City Recorder shall sign it with the date of its passage and his/her/their name and title of office, and within three (3) days thereafter the Mayor shall sign it with the date of his/her/their signature, name, and title of office.

An ordinance enacted by the Council shall take effect on the thirtieth (30<sup>th</sup>) day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

## 6. Resolutions

Every resolution shall be enacted in accord with Chapter V of the St. Helens City Charter. The enacting clause of all resolutions shall be “The City of St. Helens resolves as follows:”.

A resolution or any other Council administrative decision requires approval of the Council. Any substantive amendment must be read aloud or made available in writing to the public prior to adoption. After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

A resolution enacted by the Council shall take effect immediately upon enactment unless otherwise noted in the resolution.

## 7. Procedures

The conduct of all meetings of the Council or of any committee appointed by it shall be governed by the City charter, City code, and these operating rules and procedures.

## 8. Voting

Except as the Charter otherwise provides, the affirmative vote of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council. The voting on all ordinances or resolutions shall be by roll call vote and recorded in the minutes showing those members voting for and those voting against.

## 9. Decorum

The presiding officer of the Council shall be responsible for ensuring that order and decorum are maintained during all meetings of the ~~Council, and~~ Council and shall be responsible for assigning to the Sergeant-at-Arms ~~his or her~~ their duties and station. The Chief of Police, or such member of the Police Department as ~~he/she~~ they shall designate, shall be Sergeant-at-Arms of the Council. ~~He/she~~ They shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order, decorum and to enforce the rules of conduct as directed by the presiding officer.

## 10. Presiding Officer

Mayor – The Mayor shall preside over Council deliberations and will serve as the political head of the government. ~~He/she~~ They shall have a vote on all questions before the Council. ~~He/she~~ They shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. With the consent of the Council, and following the procedures of the Council, the Mayor appoints members of the committees, boards, and commissions established by ordinance or resolution.

Council President – At its first meeting of each odd-numbered year, the Council by written ballot shall elect a president from its membership. In the Mayor's absence from a Council meeting, the President shall preside over it. Whenever the Mayor is unable to perform the functions of ~~his~~ their office, the President shall act as Mayor.

In the absence of the Mayor and the President, if a quorum of the Council is present, the senior member of the Council shall preside over the meeting as President Pro-Tem. If there is no one senior member of the Council, Council shall choose, by vote, a President Pro-Tem to preside at that meeting.

The Council President or the Council President Pro-Tem, while serving as presiding officer, may propose motions and debate from the chair, subject only to the limitations of debate as are imposed on all members and shall not be deprived of any of the rights and privileges of a councilor by reason of acting as presiding officer.

## 11. Record of Proceedings

The Council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered in the record.

No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

## 12. Order of Business

Matters to be considered by the Council at its meetings shall be placed on an agenda to be prepared by the City Administrator and/or ~~his/her~~ their designee, typically the City Recorder, for the following materials:

- All items considered by the Council from work sessions that require official action of the Council. Work session agenda items will normally be considered at the next regular meeting.
- All items directed by the Mayor or a member of the Council to be listed on the agenda. The Mayor or presiding officer will be notified of agenda items requested by a Council member.
- All items deemed appropriate by the City Administrator.
- All items which are required by law to be presented to the Council.
- The Council may also consider any other item, proposed by the Mayor, a member of the Council, or the City Administrator, not included on the written agenda.
- Items appearing on the Council agenda may be assigned a time limit by the Mayor or presiding officer. The Mayor or Council may extend the time limit until an issue or item is discussed and resolved.
- Correspondence, petitions, or other written material that concerns items that are or may be on the agenda may be submitted to the City Administrator's Office at any ~~time, but~~ time but may only appear on the agenda if received by 12:00 p.m. the Wednesday preceding the intended Council meeting. The City

Administrator may hold agenda items to have an appropriate study made of the issue, question, or request. Any material submitted without the author's name and address will not be put on the Council agenda. Substantive matters arising under "Visitor Comments" will be referred to the City Administrator for study.

### **13. Agendas and Supportive Material**

The City Administrator, typically through the City Recorder, shall provide copies of public records to any person so requesting that material, in compliance with the Oregon Revised Statutes, Public Records Law. A fee for copies may be charged based upon the cost of copying plus a reasonable administrative fee based on actual cost, which fees shall be adopted by Council resolution.

Copies of the supportive agenda material will be available to the media, and upon request, to members of the public at the time distributed to the Council, except for those items exempt from disclosure under the Public Records Law.

### **14. Appointing Committees**

All committees, boards, and commissions shall be created by the Council through the adoption of an ordinance or resolution. After the committees have been formally announced they cannot be changed except at a regular meeting of the Council. Appointments to committees shall be made as an agenda item at a regular meeting of the Council.

### **15. Council Liaisons**

The Mayor, or the presiding officer in the Mayor's absence, will appoint Council members liaison appointments to City departments, programs, or boards and commissions. Liaisons will act as a communication link to the Council and will keep the Council informed of their department's activities.

## **SECTION IV – CONDUCT AT MEETINGS**

1. The Council will be clear and simple in its procedures and consideration of matters coming before it.
2. Any Council member or the Mayor may present main motions on business to come before the Council.
3. It is the policy of the Council to ensure an informed public, aware of the deliberations and decisions of the body and of the information upon which decisions were made. It is the policy of the Council that those decisions be arrived at openly. The Mayor and Council are encouraged to explain their rationale for votes during Council meetings.
4. Public Debate and Testimony:
  - Members of the public have no right to speak or address the Council at a Council meeting unless recognized by the presiding officer.
  - Time for testimony by members of the audience at public hearings or any Council meeting at which the public is invited or allowed to address the Council may be limited for each speaker and for each subject by the presiding officer or by majority vote of the Council.
  - Unless otherwise directed, persons addressing the Council shall limit their remarks to three (3) ~~to five (5)~~ minutes.
  - A person may request additional time subject to approval of the presiding officer.
  - Questions and discussions by audience members shall be directed to the presiding officer.
  - Directed discussion between members of the audience and Council members or City employees shall be permitted only at the discretion of the presiding officer.

- Public testimony at regular sessions and work sessions, except at public hearings, shall be under the agenda item, “Visitor Comments” unless specifically permitted by the presiding officer.
- All persons addressing the Council shall do so from the designated location after first having clearly stated their name for the record. When speaking at public hearings, persons shall confine their comments to the issue under consideration.

## 5. Identification of Fiscal Impact of Policy Decisions

At such time as the Council adopts a new program or policy with significant revenue implications, it shall offer clear direction to City staff and to the Budget Committee as to how the program or policy is to be funded. When the City Council adopts such a new program or policy or significantly modifies an existing program or policy, it shall indicate how it expects that program or policy to be funded; e.g., which existing taxes or fees the Council expects to increase and by how much, or which current City programs or department expenditures the Council expects to reduce to fund the new program or policy. However, if the Council cannot reasonably identify a potential funding source, it shall so indicate.

## 6. Reconsidering a Vote

A motion to reconsider a vote can be made only once and at the session at which the motion or matter was adopted, or at the next meeting of the Council, provided that no vote to reconsider shall be made after the ordinance, resolution, or act has taken effect.

## 7. Miscellaneous Provisions

- Members of the Council requesting a legal opinion of the City Attorney may do so directly during a meeting or if the Mayor is aware of the inquiry. A Council member desiring to contact the City Attorney will normally contact the City Administrator to ascertain if the question has previously been posed to the Attorney and/or if staff has researched and can address the issue.
- Authorization is needed from the presiding officer or majority of Council to take a reimbursable trip and incur expenses on City-related business. The following expenditure categories qualify for reimbursement under the above procedure:
  - Reasonable out-of-town travel expenses including mileage, meals, and lodging.
  - Additional cellular phone costs related to calls made regarding City business.

Expense reimbursement forms for expenses incurred for authorized purposes are available through the City Recorder. Receipts or other types of documentation are required for all items. The Mayor will review and approve expense claims submitted by Council members. The Council President will review and approve expenditures made by the Mayor.

- The Mayor or Council member shall also clarify what, if any, official capacity they are representing when speaking to the press.
- Normally, the City Administrator or ~~his/her~~their designee shall act as the City ombudsman for City business and affairs.