

CITY OF LAFAYETTE

City Council Rules

Section 1. COUNCIL RULES

1.1 Pursuant to Section 13 of the City Charter, the Council shall adopt Council rules. The Council shall review its rules at the Council's 1st meeting in January every even numbered year. Amendments shall be adopted by a majority vote. The Council has an obligation to be clear and simple in its procedures and the 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 ordinance or policies, or provisions of the City Charter.

Section 2. COUNCIL DISCUSSIONS AND DECORUM - GENERALLY

2.1 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.

2.2 Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or the Council rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

2.3 The following ground rules should be followed in order to maintain order and decorum during Council discussions:

- a. Councilor should try to gather necessary information, have questions answered, etc., from the staff before a meeting.
- b. A Councilor should only speak for him/herself, not for other Councilors.
- c. Councilors should not state that they are representing the Council, unless one of them has been asked by the Council to be its representative on an issue.
- d. Councilors should try not to personalize issues and discussions should be issue-oriented.
- e. During public meetings, Councilors should not attempt to edit or rewrite prepared ordinances because of the potential impact on other issues. Amendments to an ordinance, may, however, be appropriate and input from staff or the City Attorney should be sought.

- f. Councilors should be open, direct and candid in the Council forum.
- g. Councilors should focus on City issues and avoid becoming involved in "extra-territorial" issues.
- h. Councilors should give all members of the Council an opportunity to express their views on issues before the Council.
- i. Councilors should be brief and succinct in stating their views
- j. Councilors ~~should~~ **shall** avoid personalizing, attacking, or labeling other members of the Council staff or the public. *(The ~~strike through~~ text was deleted and underlined text was added on 4/13/00)*
- k. Councilors should avoid disguising a statement as a question.
- l. Councilors should focus on a single issue or topic at a time.
- m. Councilors should avoid repetition as a way to convince others.
- n. Councilors should keep the discussion moving, and call for a "process check" if the Council becomes bogged down in discussions.
- o. Councilors should set time limits on discussions and adhere to them.
- p. Councilors should have all issues clarified by staff before proceeding with evaluation or engaging in debate.
- q. Councilors should not ignore the seriously intended contributions of others.
- r. If a Councilor wishes to discuss a major policy or philosophical issue, it should be scheduled on a future agenda and not raised as an addendum to a current agenda item.

Section 3. CONFIDENTIALITY

3.1 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 Administrator or City Attorney.

3.2 If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the 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.

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

3.4 The Council, by resolution, may censure a member who discloses a confidential matter. **As used in this section, "censure" means to make a formal statement, either verbally or in**

writing, expressing strong disapproval or harsh criticism by the Council of an action of a member who the Council believes has violated this rule. This censure can be done by a motion to censure, or a resolution of censure, either of which must set out in detail the alleged violation. *(The underlined text was added on 3/23/00)*

Section 4. COMMUNICATION WITH STAFF

4.1 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. Except in a Council meeting, individual Council members shall not attempt to influence or coerce a department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits. The sharing of opinions and ideas is appropriate.
- c. Addressing all inquiries and requests for information from staff to the City Administrator or City Attorney and allowing sufficient time for response.
- 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. Except in a Council meeting, staff shall not attempt to coerce or influence individual Council members concerning City business.
- f. 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.

4.2 All written informational material requested by **the Mayor or** individual Councilors will be submitted by staff to the entire Council with a notation indicating ~~which Councilor~~ **who** requested the information. *(Strikethrough-text was deleted and Underlined text was added on April 13, 2000)*

Section 5. AGENDA

5.1 The City Administrator's office will prepare an agenda for each Council meeting specifying the time and place of the meeting, and a brief, general description of each item to be considered by Council.

The Mayor or a Council representative may work with the City Administrator or designee to provide input for scheduling agenda items. The agenda headings shall be as follows:

-CALL TO ORDER

-FLAG SALUTE

-ROLL CALL

-APPROVAL OF MINUTES

-ACCOUNTS PAYABLE

--CONSENT AGENDA – first meeting of month only

- Police

- Fire

- Public works

- City Administrator/Recorder

- City Attorney

-APPEARANCE OF INTERESTED CITIZENS

-BUSINESS DISCUSSION FROM THE COUNCIL

-NEW BUSINESS

-OLD BUSINESS

-CORRESPONDENCE/DISCUSSION/INFORMATION

-COMMITTEE REPORTS

-Heritage Days

-Parks, Open Spaces, Wetland & Conservation

-Community Center Update

-Public Works

-Public Safety

-Planning

-Budget and Finance

-MAYOR'S REPORT

-ADJOURN

Any items may be removed from the consent agenda for discussion at the request of a Councilor.

5.2 Items may be placed on a future Council agenda by any of the following methods:

a. A majority vote of Council;

a. Consensus of Council;

- c. By any councilor by advising the Mayor or City Administrator;
- d. By the City Administrator or City Attorney;
- e. By department directors or designees.

Documentation for each agenda item should be received by the City Administrator or designee by 5:00 p.m. the Thursday before the Council meeting for which the agenda has been prepared. No item of business shall be added to the agenda after 5:00 p.m. on the Thursday before the Council meeting for which the agenda has been prepared. Council members and City staff shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda. Council should pick up their packets as soon as possible after 4:00 p.m. on the Friday before the Council meeting.

5.3 Some items may be listed on the agenda for a time certain. Such listing will mean that an item will be heard as soon as reasonably possible after the specified time.

5.4 Sufficient time will be allowed between public hearings and other scheduled items so the public is not kept waiting unduly, and so the Council will have sufficient time to review relevant materials, to hear testimony, and to deliberate.

5.5 Agenda items that are continued from one meeting to another will have preference on the subsequent agenda to the extent possible.

5.6 The Mayor may, with the concurrence of the Council, consider agenda items out of order.

5.7 Agenda materials will be available to the Council, staff, media, and public after 4:00 PM. on the Friday before the meeting.

5.8 Each agenda shall be limited to four items to be discussed under old business and four items to be discussed under new business except for the months of November, December, and January.

5.9 At the beginning of each regular meeting, the Council shall designate a time for community 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 (5) minutes for each speaker, unless the Council decides prior to the community comment period to allocate more or less time. The purpose of the community 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.

Section 6. ATTENDANCE

6.1 Councilors will inform the Mayor and/or the City Administrator if they are unable to attend any meeting. Additionally, the Mayor will inform the Council president and the City Administrator regarding any absence by the Mayor. However, all council members shall make every effort to attend all meetings.

Section 7. PRESIDING OFFICER

- 7.1 The Mayor shall preside at all regular and special meetings and executive sessions of the Council. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as presiding officer.
2. The Mayor, as presiding officer, shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion of any matter before the Council, subject to these rules. **The Council, whenever the Mayor fails or refuses to do so, may take whatever action it deems necessary to preserve order, enforce the rules of the Council and determine the order and length of discussion. The Council shall be the final arbiter over any question of the interpretation of these rules or the conduct of a meeting and may, by motion, override the Mayor on such issues.**

(The underlined text was added on 3/23/00)

7.3 The Mayor shall have a vote only in the case of a tie vote, consistent with the City Charter.

Section 8. ORDER AND DECORUM DURING COUNCIL MEETINGS

8.1 Any of the following shall be sufficient cause for the removal of any person from the Council Chambers for the duration of the meeting:

- a. Unreasonably loud or disruptive language, noise or conduct that is obstructive of the work or the conducting of the business of the Council.
- b. Engaging in violent or distracting actions.
- c. Willful injury of furnishings or of the interior of the Council Chambers.
- d. Refusal to obey an order of the presiding officer or an order issued by a Councilor which has been approved by a majority of the Council present.

8.2 Before the person is removed from the Council Chambers for conduct described in this section, that person shall be given a warning by the presiding officer to cease his or her conduct.

8.3 If a meeting is disrupted by members of the audience, the presiding officer or a majority of the Council present may order that the Council Chambers be cleared.

8.4 Councilors should refer complaints or questions to the City Administrator or the appropriate staff person.

8.5 Persons addressing the Council are requested to limit their comments to five minutes and if requested to give their name and address and either stand or step to the podium. All remarks will be addressed to the Council as a body. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting. **The Council, whenever the Mayor fails or refuses to do so, may take whatever action it deems necessary to enforce this rule. The Council shall be the final arbiter over any question of the interpretation or enforcement of this rule and may, by motion, override the Mayor on such issues.** *(The underlined text was added on 3/23/00)*

8.6 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 command the assistance of a police officer to restore order at any meeting.

8.7 After a motion has been made or after a public hearing has been closed, no public member shall address the Council without first securing permission from the majority of the Council.

Section 9. EMERGENCY MEETINGS

9. 1 The Mayor, upon motion may, or at the request of three members of the Council, shall, by giving written notice thereof to all members of the Council then in the City, call a special meeting of the Council for a time not earlier than three nor later than 24 hours after the notice is given. Special meetings of the Council may also be held at any time by the common consent of all members of the Council without notice. No other business shall be transacted at any special meeting, other than that for which it was called. All proceedings of the special meeting must be reviewed at the next regular Council meeting. Councilors are responsible to inform staff of how they can be reached when out of town.

Section 10. EXECUTIVE SESSIONS

10.1 An executive session (meeting closed to the public) may be held in accordance with the appropriate statutory limits of ORS 192.660. 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.

10.2 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. Members of the press must be told that they may not report the substance of an executive session.

10.3 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 OR.S 192.650(2). Material discussed during an executive session should not be disclosed.

10.4 The topic areas for which an executive session may be called consist of all items listed in ORS 192.660.

10.5 If an executive session is called, the Mayor shall inform representatives of the news media that they are allowed to attend, but that they must not disclose any information discussed during

the executive session.

Section 11. EXHIBITS

II . 1 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 a 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.

Section 12. MEETING STAFFING

12.1 The City Administrator will attend all Council meetings unless excused by the Mayor. The City Administrator 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 all regular Council meetings unless excused by the City Administrator or Mayor, 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 Administrator should be recognized by the Mayor before addressing the Council during Council meetings.

12.2 The City Administrator shall perform the duty of meeting recorder or shall designate a staff or contact person as a meeting recorder who will attend all Council meetings and keep the official 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 Administrator.

Section 13. QUESTIONING OF STAFF BY COUNCIL MEMBERS

13.1 Every Council member desiring to question the staff during a Council meeting shall address the questions to the City Administrator, who shall be entitled to either answer the inquiry or designate a staff member to do so.

Section 14. MEETING TIMES

14.1 The Council shall meet regularly at 7:30 p.m. on the second and fourth Thursday of each month in the Council Chambers. Such meetings may be preceded by a work session at 7:00 PM. which shall be open to the public. The Council may, at its discretion, schedule meetings or work sessions at other times to be announced.

Section 15. MINUTES

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

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

- a. The name of Councilors and staff present.
- b. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.

- c. The result of any votes, including ayes and nays and the names of the Councilors who voted.
- d. The substance of the discussion on any matter.
- e. Reference to any document discussed at the meeting.

15.3 The Council may amend the minutes to more accurately reflect what transpired at the 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 Administrator 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 change.

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Section 16. ADJOURNMENT OF MEETINGS AND BREAK

16.1 Upon motion and majority vote of the Council members present, any meeting of the council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting.

16.2 Upon the request of two or more Council members a short break shall be taken.

16.3 A motion to adjourn will be in order at any time except as follows:

- a. a. When made as an interruption of a member while speaking.
- b. While a vote is being taken.

16.4 A motion to adjourn is debatable only as to the time to which the meeting will be adjourned.

Section 17. BIAS AND DISQUALIFICATION

17.1 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, prejudice, 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 upon by the Council. Such challenges and the Council's decision shall be incorporated into the record of the hearing.

17.2 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.

17.3 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.

17.4 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 or a relative 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 or a relative 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.

Section 18. EX PARTE CONTACTS AND DISQUALIFICATION

18.1 For quasi-judicial hearings, Councilors will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are those contacts by a party on a fact in issue under circumstances that 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.

18.2 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 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 in the matter. The Councilor must state whether he or she will participate or abstain.

18.3 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.

Section 19. GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING

19.1 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.

19.2 Councilors shall give public notice of any conflict of interest or potential conflict 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.

19.3 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.

Section 20. LEGAL ADVICE

20.1 Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Administrator to ascertain whether the request or action can be accomplished more cost-effectively by alternative means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Administrator. Exceptions to this are issues related to the performance of the City Administrator and unique and sensitive personal, yet City business-related, requests. The City Attorney shall in either case provide any written response to the full Council and the City Administrator.

Section 21. ROBERT'S RULES

21.2 Robert's Rules of Order Revised shall be used as the guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's Rules are provided in these rules.

Section 22. LIAISON'S TO COMMITTEES AND DEPARTMENTS

22.1 The following standing committees will be appointed by the Mayor with the approval of Council at the Council's 1st meeting in January every even numbered year:

- a. Community Center Advisory Committee
- a. Heritage Days

22.2 The following liaison areas of responsibility will be appointed by the Mayor with the approval of Council at the Council's 1st meeting in January every even numbered year:

- a. Parks
- b. Public Works
- c. Public Safety
 - d. Planning / Building Dept.
 - e Budget & Finance
 - f. Community Center
- a. Personnel – Mayor

Section 23. PROCESS FOR DETERMINING RESIDENCY

1. The Council, or the City Administrator at the request of the Council, shall determine whether a person is qualified to hold elective city office consistent with the requirements imposed by the City Charter. *(This section was added on 3/23/00)*

2. Residency means a person actually lives and maintains a domicile within City limits where they personally reside. A determination of residency must include physical occupancy of the

structure. *(This section was added on 3/23/00)*

3. The Council or City Administrator shall use their best judgment in making a determination on residency and may consider (but are not limited to) any of the following as ~~indicia~~ **an indication** thereof:
 - a. voter registration card;
 - b. Oregon driver license;
 - c. tax returns; or
 - d. mail **addressed to the Councilor at a street address located within the city limits.**

(This section was added on 3/23/00)

~~Strikethrough~~ text was deleted and **Underlined** text was added on April 13, 2000)

ADDENDUM SHEET

The following is a history of the amendments to these rules:

Date: Sections Amended: Sections Added:

1. March 23, 2000 Sections 3.4, 7.2, & 8.5. New Section 23
2. April 13, 2000 Sections 2.3(j), 4.2, & 23.3