

RULES OF THE FAIRVIEW CITY COUNCIL

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1. Rules of the council adopted.

The Fairview City Council does hereby adopt the following rules for conducting of business and to govern its members, the same to be known as the rules of the council.

2. Meeting of council.

- A. All meetings of the City Council shall comply with the Oregon State Public Meetings Law, which is hereby incorporated by reference into these rules.
- B. The City Council will meet in regular session at least once a month on either the first or the third Wednesday of each month. Additional regular sessions or work sessions may be scheduled or cancelled by the Mayor as needed.
- C. Regular sessions will convene at 7:00 pm. All regular sessions will be adjourned at 9:15 pm unless extended by consent of each and every Councilor present at that meeting.
- D. Special meetings may be called by the Mayor or three or more Councilors. Appropriate notice shall be given to the remaining Councilors, the City Administrator and the public. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except that for which the meeting is called.
- E. Work sessions will be held to provide Council with an informal chance to ask questions about pertinent issues and provide guidance to staff. No legislative issues will be decided in work sessions that would require formal Council decision making.
- F. An executive session (a meeting closed to the public) may be held in accordance with the Public Meetings Law. The Mayor or presiding officer may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. The Mayor or presiding officer shall determine which persons other than the Council shall be allowed to attend executive sessions. The Mayor or presiding officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session. No final decision shall be made in executive session. To make a final decision, the Mayor or presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session.

- G. When unable to physically attend a Council meeting, Council members may participate in Council meetings, including executive session and work sessions, by telephone. Telephonic participation must be approved in advance by the Mayor and there must be a quorum present in the Council Chambers before telephonic participation will be allowed. All Council members, whether attending the meeting in person or by telephonic means, shall have identical voting rights. The phone participant must be telephonically present for the entire meeting.
- H. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings. Excused absences from Council meetings as granted by the Mayor or presiding officer include:
- Death in the family
 - Illness
 - Family emergency
 - Scheduled vacation; however, Councilors are encouraged when possible to schedule vacations during scheduled Council recesses
 - Essential business duties
 - On City business
 - Other absences as excused by the Mayor

No Councilor shall leave a meeting while in session, including any executive session held during that meeting, without advising the presiding officer who shall excuse such absence if it meets any of the criteria listed above.

The City Recorder, or such person designated in the City Recorder's absence, shall keep a record of attendance at all Council meetings including executive sessions.

3. Minutes.

- A. The City Recorder shall prepare written minutes of all open regular and special meetings, which shall be approved by the Council and made available for public inspection. All meetings shall be recorded for the benefit of the City Recorder in the preparation of the minutes.
- B. Written minutes shall include the names of all Councilors present, all motions, resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes, with the vote of each Councilor by name unless the vote is unanimous, and references to any documents discussed. Minutes shall be signed by the presiding officer.
- C. City Council meetings are video-recorded and copies are retained by the City of Fairview in order to comply with the State of Oregon Public Meetings Law.

4. Order of business.

- A. Regular meetings shall be conducted in the following order of business, subject to the right of the Mayor, with Council consent, to alter the order of business:
1. Call to order.
 2. Roll call.
 3. Citizens Wishing to Speak on Non-agenda Items. The purpose of this item is to allow citizens to present information or raise an issue regarding items not on the agenda. A time limit of three minutes per citizen shall apply unless the

Mayor or presiding officer adjusts the time limit as appropriate. Citizen comment shall not exceed 30 minutes unless the Council votes to suspend the rules.

4. Consent Agenda. The purpose of the consent agenda is to expedite the Council meeting by grouping routine or uncontested items of business so that they may be approved by one motion. Any Councilor may request removal of any item from the proposed consent agenda for individual consideration. Action on any item requested for discussion will be deferred until after adoption of the consent agenda.
 5. Presentations
 6. City Administrator/Department Director Reports
 7. Mayor/committee reports and Council comments.
 8. Public hearings.
 9. Council business.
 10. Adjournment.
- B. The order of business may be changed by the Mayor or presiding officer or majority vote of the remaining Councilors.

5. Discussion of business.

- A. The right to discuss the business before the Council is reserved exclusively for the Mayor, Councilors, the City Administrator and the City Attorney, with the following exceptions:
 1. Public hearings; and
 2. Citizens wishing to speak on non-agenda items.
- B. The Mayor or presiding officer shall recognize any city staff member or member of the audience for discussion of any matter before the Council.
- C. No person shall be permitted to speak or present evidence until recognized by the presiding officer and given permission to speak or present evidence. All comments, evidence or questions from the floor will be addressed to the Mayor or presiding officer. In the case of questions, the Mayor or presiding officer will request input from the appropriate sources (staff, Council or presenters).
- D. A Councilor may request an item on the agenda, if they have support from one additional Councilor, by notifying the City Administrator of the topic at least five business days prior to the Council meeting. The topic should have sufficient information for Council consideration. The item will be placed on the agenda under Council business in a timely manner. The City Administrator organizes and compiles Council agenda with final approval by the Mayor. Significant staff work in support of an item must be requested by a majority of the Council.

6. Conduct of business.

- A. Presiding Officer. The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Council President shall preside.
- B. Absence of Presiding Officer. In the absence of the Mayor and the Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. Any Councilor may call a meeting to order for the purpose of electing a presiding officer.
- C. Substitution of Presiding Officer. The Mayor or presiding officer may appoint a temporary presiding officer to cover his or her temporary absence from the meeting by handing the gavel to the Council President or, if the Council President is absent or serving as presiding officer, to any other Councilor.

- D. Motion Procedure. When a motion is moved and seconded, it shall be stated by the Mayor or presiding officer for debate. A motion once made may not be withdrawn by the mover without the consent of the Councilor seconding it. No Councilor shall be allowed to speak more than once on a particular question until every other Councilor has had an opportunity to do so.
- E. Motion to Postpone or Table. A motion to postpone or table may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.
- F. Point of Order. Any member may raise a point of order at any time and the Mayor or presiding officer shall determine all points of order, subject to the right of any Councilor to appeal the decision to the full Council.
- G. Robert's Rules of Order Revised will be used as the guideline for conduct of Council meetings, except where these Rules specifically apply.

7. Conduct of hearings.

- A. Scope of Rules. The rules contained in this section shall govern the conduct of administrative and quasi-judicial hearings held by the Council including, but not limited to, those held pursuant to land use matters of the city. The Mayor or presiding officer may apply any of these rules, which are relevant to any legislative public hearing, unless the ordinances of the City require otherwise or the Council does not concur.
- B. Nature and General Conduct of Hearing.
 - 1. The Council when conducting any such hearing shall afford persons entitled under the ordinances of the City, such as the land use ordinances, to notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.
 - 2. No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct. This standard is applicable to the entire Council meeting as well as the hearing itself. The Mayor or presiding officer has the responsibility for control of the meeting.
 - 3. No person offering testimony shall speak more than once without obtaining permission from the Mayor or presiding officer.
 - 4. No person shall testify without first approaching the podium, receiving recognition from the presiding officer and stating his or her name and residence or business address.
 - 5. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by City personnel shall be deemed relevant, material and the weight or competency thereof shall be determined by the council.
 - 6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.
 - 7. The Mayor or presiding officer, Councilors, City Administrator, City Attorney and with the approval of the Mayor or presiding officer, any other employee of the City may question and cross-examine any person who testifies.
- C. Challenging Participation by a Councilor.

1. Any proponent, opponent of, or other party interested in a 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.
 - a. Such challenge must be made prior to the commencement of the public hearing.
 - b. Such challenge shall be incorporated into the record of the hearing.
 2. No Councilor shall participate in discussion or vote on the matter when for any reason the Councilor determines he or she cannot participate in the hearing and decision in an impartial manner.
 3. No employee of the City who has a financial or other private interest shall participate in discussion with, or give an official opinion to, the Council on the matter without first declaring for the record the nature and extent of such interest.
 4. The general public has a right to have Councilors free from pre-hearing or ex parte contacts on matters heard by them. It is also recognized that a countervailing public right is free access to public officials on any matter. Therefore, Councilors shall reveal any significant pre-hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing on the matter. If such contacts have impaired the Councilors' impartiality or ability to vote on the matter, the Councilor shall so state and shall abstain there from.
 5. Notwithstanding any provision of this or any other rule:
 - a. An abstaining or disqualified Councilor may be counted for purposes of forming a quorum; and
 - b. A Councilor may represent himself or herself, a client or any other member of the public at a hearing; provided that Councilor:
 - i. Abstain from the vote on the matter;
 - ii. Removes himself or herself from the Council area and joins the audience; and
 - iii. Makes full disclosure of his/her status and position at the time of addressing the Council.
- D. Order of Procedure. The Mayor or presiding officer, in the conduct of the hearing, shall:
1. Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing. The rules of the hearing will include clear and appropriate standards for the length of testimony by various parties as part of the hearing. The Mayor or presiding officer may exercise his or her discretion to permit public participation on other business and to establish rules for such participation on a case-by-case basis. The Mayor or presiding officer has the responsibility for determining the appropriate length of testimony.
 2. Call for Abstentions.
 - a. Any Councilor announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.

- b. Any Councilor whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex parte or pre-hearing contact with proponents or opponents, may make a statement in response or in explanation, as part of his or her decision to participate in the hearing. This statement shall be subject to rebuttal by the proponent.
3. Staff Report – Planning Recommendation, etc. Summarize the nature of the matter, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the planning commission or other appropriate board or agency and provide such other information as may be requested by the Council. The Mayor or presiding officer may request a representative of staff or any other City employee to perform this duty.
4. Proponent's case.
5. Opponent's case.
6. Rebuttal Evidence. The Mayor or presiding officer shall allow the proponent to offer rebuttal evidence and testimony and, if provided, allow the opponent or other interested party to rebut the new evidence or testimony offered by proponent's rebuttal.
7. Written Communications. Written communications addressing any matter before the Council shall be received by the city by 5:00 p.m. on the Thursday immediately preceding a regularly scheduled Council meeting unless for good cause the Council waives the time period therefore. This requirement is to allow the written communications to be included with the regular City Council packet.
8. Close of Hearing and Deliberation by Council. The Mayor or presiding officer shall conclude the hearing and the Council shall deliberate the matter. The Council shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, staff or the Planning Commission, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings and the presiding officer shall not allow additional submission of testimony, except upon approval by the Council.

8. Voting.

- A. Requirement. The concurrence of a majority of those present and voting (including the Mayor) is required to determine any matter before the Council. Each Councilor present must vote on all questions before the Council unless the member: (1) has an actual conflict of interest as that term is interpreted under state law and/or (2) the Ethics Code under Section 9 imposes a duty on a councilor to refrain from voting. When a Councilor does not vote, and abstains, the reason for the abstention shall be entered into the record at the time of stated abstention. Absent a conflict of interest, as defined in this Section 8, abstention is not permitted and any abstentions will be entered in the record as a no vote.
- B. Roll Call Vote. At the request of any Councilor, any question shall be voted on by roll call.
- C. Tie Vote. In the case of a tie vote on any proposal the proposal shall be considered lost.

- D. Changing Vote. A Councilor may change his or her vote only if the action is taken immediately following the last vote cast and only if the vote originally was with the majority. A Councilor shall not be allowed to withdraw an abstention.
- E. Motion to Reconsider. A motion to reconsider any action may be made only at the same meeting where the action was taken, by a Councilor on the prevailing side of the question. Any Councilor may make a motion on the same question at any subsequent meeting.
- F. Record of Votes. Unless the vote is unanimous, the ayes and nays of each Councilor shall be entered in the minutes.

9. Ethics code.

- A. Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. Councilors shall give public notice of any 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. 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. Violation of Council rules in fact or intent;
 - 4. Appointing relatives, clients or employees to 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. Participating in decisions of City boards and commissions where there is a possibility of appeal of the matter to the Council;
 - 9. Expressing an opinion which is contrary to the official position of the Council without so stating.
- B. Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring nondiscriminatory performance of public services, being informed concerning the matters of Council consideration and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

10. Communication With Staff

- A. Council will respect the separation between policy making (Council function) and administration (City Administrator function) by:
 - 1. Working with the staff as a team with a spirit of mutual respect and support.
 - 2. Except in a Council meeting, not attempting to influence a City employee or the City Administrator concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of City licenses and permits. However, the sharing of ideas on these matters is appropriate.
 - 3. Limiting individual contacts with City staff to the City Administrator, or other designated staff so as not to influence staff decisions or recommendations,

interfere with their work performance, undermine the City Administrator authority or prevent the full Council from having the benefit of any information received. To this end, Council members shall not request City staff to perform significant work without the prior approval of the City Administrator, so that workloads and work plans are not adversely impacted.

4. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
- B. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information. In situations where staff provides a copy of an existing document previously provided to the Council, staff will advise the entire Council rather than providing the material to each Council member.
 - C. The Mayor will refer any comments or questions regarding City personnel or Council member or the City Administrator, as appropriate. Council members may also address questions directly to the City Administrator, who may either answer the inquiry or ask a staff member to do so.

11. Legal Advice

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Administrator to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member 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 or sensitive personal, yet City business-related, requests.