

**CITY OF LYONS
RESOLUTION NO. 563-2021**

A RESOLUTION ADOPTING COUNCIL RULES FOR THE CITY OF LYONS

WHEREAS, in 2020, electors of the City of Lyons (“City”) voted to adopt an updated and modernized version of the City Charter; and

WHEREAS, Section 3.4 of the 2020 City Charter requires the City Council to adopt rules to govern its meetings (“Council Rules”) by resolution; and

WHEREAS, the current Council Rules were adopted by ordinance and codified in Lyons Municipal Code (“LMC”) Chapter 2.05; and

WHEREAS, on July 27th, 2021, the City Council adopted Ordinance No. 2021-4, which repealed LMC Chapter 2.05 and the Council Rules contained therein; and

WHEREAS, the City Council desires to adopt updated Council Rules by resolution, in accordance with Section 3.4 of the 2020 City Charter.

NOW, THEREFORE, the City of Lyons resolves as follows:

Section 1. The City Council hereby adopts the Council Rules set forth in Exhibit A, attached hereto and incorporated by this reference.

Section 2. This Resolution shall become effective on August 27th, 2021.

Adopted this 27th day of July 2021.

COPY

Lloyd Valentine, Mayor

Attest:

COPY

Micki Valentine, City Manager

	<u>Aye</u>	<u>Nay</u>
Mayor Valentine	___	___
Pro Tem Ritchie	___	___
Councilor Donohue	___	___
Councilor Wagner	___	___
Councilor Hyde	___	___

Chapter 2.05**Council Rules**

Sections:

- 2.05.010 Authority.
- 2.05.020 The mayor and council.
- 2.05.030 Council meetings.
- 2.05.040 Agenda and order of business.
- 2.05.050 Procedure for council meetings.
- 2.05.060 Decorum and order.
- 2.05.070 Censure.
- 2.05.080 Code of ethics.
- 2.05.090 Council relations with city staff.
- 2.05.100 Committees.
- 2.05.110 Confidentiality.
- 2.05.120 Suspension or amendment of council rules.
- 2.05.130 Severability.
- 2.05.140 Repeal.

2.05.010 Authority.

A. The charter of the city of Lyons in Chapter IV, Section 13, Meetings, specifies: "It (the Lyons City Council) shall adopt rules for the governance of its members and proceedings."

B. The rules adopted in this chapter shall be in effect upon their adoption by the council and until such time as they are amended, added to, deleted or replaced in the manner prescribed by these rules.

C. These rules apply equally to the mayor and city councilors.

D. These rules are to be observed in addition to and may not be contradictory to the current city charter. [Ord. G1-2012 § 1, 2012.]

2.05.20 The mayor and council.

A. The mayor and city council (hereafter, council) are the policy making body of the city.

B. Councilors have no authority when acting as individuals except as authorized in individual commissioner and/or liaison descriptions. Authority to make decisions and/or create policy for the city resides solely with the majority vote of the council. Council decisions which are not unanimous are still the official policy of the city.

C. Any member of the council shall receive council approval to receive reimbursement for training, lodging, meals, or mileage associated with their official duties.

[Ord. G1-2012 § 2, 2012.]

2.05.030 Council meetings.

A. The council shall hold regular monthly meetings at a time and at a place which it designates. Unless otherwise provided, regular meetings will be held at the Lyons City Hall in the council chambers.

B. The time and date of the regular council meetings may be changed and/or canceled due to special circumstances, to facilitate work sessions or in order to have a quorum of councilors at the meeting. Regular meeting notice requirements shall be followed.

C. At any regular meeting the council may adjourn to a specified time thereafter, and the adjourned meeting shall be deemed a regular meeting at which business may be transacted in the same manner and with the same force and effect as at a regular meeting held at the appointed time.

D. Special meetings as defined by ORS 192.640(3) of the council may be called at any time at the request of two members of the council, by the mayor (or the mayor pro tem in the mayor's absence), or at the request of the city manager, by giving notice of the meeting to the council members and the public at least 24 hours in advance.

E. An emergency meeting of the council is a special meeting which may be called when less than 24 hours' notice can be given. The minutes shall state the nature of the emergency. Emergency meetings may be held by consent of a majority of councilors. An attempt must be made to notify the public of the need for this emergency meeting. Only the emergency matter(s) giving rise to the need for an emergency meeting should be considered. Emergency meetings may only be held to address a legitimate threat to the public health, safety, or welfare or to ensure compliance with state law.

F. Workshop or training meetings of the council may be held at the convenience of the council at a time and location when as many members as possible can attend. These meetings may be held for council goal setting, new councilor training, or longer workshops for planning programs or projects. Any goals arrived at by any process must be confirmed in public at a regular council meeting.

G. Executive sessions shall be defined and held in accordance with ORS Chapter 192. Staff members may be permitted to attend with the approval of council. Normally the city manager is expected to attend.

H. Public meetings of the council shall be held

in accordance with the public meeting requirements
of ORS Chapter 192.

All regular and special meetings will be open to the public (excluding executive sessions). When appropriate, the public will be provided an opportunity for comment.

I. Councilors shall inform the mayor or city manager if unable to attend any council meeting or function. The mayor will inform the city manager if unable to attend any council meeting or function.

J. Meeting minutes shall be kept in accordance with the Attorney General's Public Records and Meetings Manual. The minutes of the last regular meeting(s) and the minutes of adjourned or special meetings, if any, shall be reviewed, corrected as necessary, and approved as part of the consent agenda.

K. The mayor or their designee shall conduct roll call for council members at the start of each council meeting. The absence of a member of the council shall be recorded in the minutes as either excused or unexcused. Council members who have provided advance notification of their intended absence to the city are deemed to be excused. [Ord. G2-2015 §§ 1 – 3, 2015; Ord. G1-2012 § 3, 2012.]

2.05.40 Agenda and order of business.

A. An agenda for each regular council meeting shall be prepared by the city manager. The council may direct, by consensus, that specific items be included on the agenda. The procedure for a councilor to place an item on the agenda is as follows:

1. A councilor may request an item be placed on a future agenda by submitting the proposed topic for consideration during that specifically designated portion of the council meeting. Upon consensus of the council, the item will be prepared for the next agenda.

2. For items approved by the council, the city manager or other designated personnel will provide a report on the proposed item at the next regularly scheduled council meeting or such other meeting agenda as determined by the council.

3. The City Manager may place routine items that are not expected to involve debate or discussion on a consent agenda. Any item placed on the consent agenda shall be removed at the request of the Mayor or a council member prior to the council's vote on the consent agenda. All items remaining on the consent agenda shall be addressed by a single motion "to adopt the consent agenda," which shall not involve debate. Adoption of the consent agenda must be by affirmative vote of all members of the council present at the time

the vote is taken and shall have the same effect as a separate vote for each item. If any council members vote not to adopt the consent agenda, each item on the consent agenda shall be voted on separately.

B. Staff will strive to make council books available to councilors three business days prior to the meeting or as soon as practical.

The normal order of business for a regular council meeting shall be as determined by the mayor.

C. Although the normal order of business for a regular council meeting usually follows a set format, the mayor may consider agenda items out of order as he/she deems necessary to facilitate the efficient management of the meeting. The agenda

may also be modified by the mayor or by vote of the council to allow the public to be aware of decision(s) rendered without undue delay. For example, an item may be moved for action immediately rather than waiting for it to come up as an action item later in the meeting.

D. Any councilor may request, if responsible for an agenda item, postponement of the item to a later meeting if the councilor cannot be present at the meeting at which the item is scheduled. Any councilor can introduce a motion to request that an item be postponed to the following meeting or tabled until an agreed upon point in time. Further postponement requires a majority vote of the councilors present. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 4, 2012.]

2.05.50 Procedure for council meetings.

A. The current edition of Robert's Rules of Order (as may be revised from time to time) shall be used as a general guide for conduct of council meetings. Any parliamentary questions which may arise before the council, not otherwise provided for, shall be determined by Robert's Rules of Order.

B. The council agrees to be clear and simple in its procedures and considerations of decisions before it.

C. Council meetings shall be chaired by the mayor. If the mayor is not present, the mayor pro tem shall function as the presiding officer. If neither the mayor nor the mayor pro tem is present, the meeting will be rescheduled if possible. If an emergency requires that the meeting be held, the city manager shall call the meeting to order and those council members present shall elect a presiding officer for that meeting. At any meeting, the mayor may appoint another member of the council to serve as presiding officer for part or all of the meeting.

D. Every councilor desiring to speak should first address the presiding officer, and await recognition to obtain the floor. No persons other than members of the council and the person having the floor shall enter into any discussion, either directly, indirectly, or through a member of the council without the permission of

the presiding officer.

E. No motion shall be debated, except by the maker, until it has been seconded and announced by the presiding officer.

F. Members of the public desiring to address the mayor and council during the public comment portion of a regular council meeting shall first complete the request to give testimony form. The form shall be simple in format requiring the speaker's name, the group the speaker represents (if applicable), the speaker's address, and a description of the issue to be discussed. The forms shall be submitted to the mayor or city staff prior to commencement of the meeting. This procedure will allow the mayor to plan for and provide adequate time for each speaker during the meeting. During public comments, members of the public will be recognized by the mayor from the information supplied on the testimony form. After taking their position at the testimony desk, the speaker shall state their name and address for the record. Each person shall have up to three minutes to present their comments, with the total time for public forum not to exceed 30 minutes, unless the Council or Mayor provides more time for individual comments and for public forum. The Council may also limit public comment to subjects on or not on the agenda and may require comments regarding items scheduled for hearing to be given during the hearing. Groups with like comments should choose a spokesperson who will present their joint remarks.

G. Councilors should refer questions or complaints by the public to the city manager for their disposition. If they are not satisfied with the results, they should submit a letter to the city, requesting that they be placed on a council agenda. In the alternative, they may present their issue during the public comments portion of a council meeting after presenting a completed request to give testimony form as set forth above. If the matter requires further research or document preparation, the matter may be postponed to a future meeting for discussion.

H. Comments by members of the public shall be made during the public comments sections of the agenda. All remarks and questions shall be addressed to the council as a whole and not to individual council members. Any remarks and questions regarding personnel or administration of the city may be referred to the city manager by the presiding officer. The presiding officer may redirect other questions to a city councilor or the city manager, as appropriate.

I. Every councilor may address questions directly to the city manager, who may either answer

the inquiry or designate a staff member to do so. Councilors are encouraged to present their questions to the city manager prior to the meeting for clarification whenever possible.

J. Prior to a vote, the presiding officer shall restate the motion or have the maker of the motion restate it to assure clarity.

K. A majority of the council members constitutes a quorum to conduct business. When a quorum is present, a majority of the council present and voting shall decide a motion. A councilor who is present but abstains from voting is still counted in the quorum. A councilor may be present either in person or telephonically.

L. It is the duty of every council member present, unless confronted with an actual conflict of interest or excused by a majority of the council, to vote when a question is taken. Abstention or refusal to vote on a question in front of the council shall not count as an affirmative vote or a negative vote.

M. In every case in which a councilor is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes.

If an actual conflict of interest exists, the council member, after disclosing the nature of the conflict, may remove themselves from the council table and shall refrain from participation in both the discussion and the vote on the issue.

If a potential conflict of interest exists, the councilor may participate in the discussion and may vote after declaring the nature of the conflict.

1. A potential conflict of interest is any action, decision, or recommendation that could grant a personal financial benefit to the councilor or help the councilor avoid a personal financial detriment. This same standard applies to relatives of the councilor or any business with which the councilor or councilor's relative is associated (ORS 244.020(1)).

2. An actual conflict of interest is defined as any action, decision, or recommendation which will have a personal financial benefit to the councilor or allow the councilor to avoid a personal financial detriment. This standard also applies to relatives of the councilor or any business with which the councilor or councilor's relative is associated (ORS 244.020(13)).

N. The vote on every motion shall be taken either by voice vote or by polling of individual councilors and shall be entered into the meeting minutes. Any other questions before council shall not require a recorded vote unless requested by a council member. A member's explanation of their vote shall not be in order during the actual vote.

O. A motion fails in the event of a tie vote.

P. A councilor who votes on the prevailing side of a motion may move for reconsideration of a vote. This motion must occur during the meeting or at the next scheduled council meeting.

Q. City staff may make audio recordings of Council meetings. If staff records Council meetings, the City shall retain audio recordings in accordance with Oregon law. Copies of recordings shall be available to the public subject to the City's public records request policy.

2.05.60 Decorum and order.

A. The presiding officer shall preserve decorum and decide all points of order, subject to appeal to the council.

B. The councilors shall help the presiding officer preserve decorum during council meetings and shall not, by conversation or other action, delay, interrupt or disrupt the proceedings or refuse to follow the directions of the presiding officer or these council rules. Councilors shall, when addressing staff, fellow council members or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attack, shall not impugn the motives of any speaker or fellow councilor, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

C. Members of the administrative staff, employees of the city and other persons attending council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the council.

D. Any person who makes personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the council or attending a council meeting may be removed from the room, after fair warning if the presiding officer so directs without a majority vote of the council present. In the case that the presiding officer should fail to act, any member of the council may obtain the floor and move to require enforcement of this rule. Upon affirmative vote of the majority of the council present, the person or persons shall be removed as if the presiding officer so directed. Stamping of the feet, whistles, yells, cursing, clapping, displays of a disruptive or disrespectful nature, and other violations of City policy are not permitted and may also result in removal under this Section. Individuals who resist removal may be charged with trespassing.

E. If a meeting is disrupted by members of the

audience, the presiding officer may order that the council chamber be cleared and a recess called until order is restored. If it is not possible to restore order, the meeting can be closed and rescheduled

for another date and time. [Ord. G1-2012 § 6, 2012.]

F. Members of the audience shall comply with the City's limits on occupants and seating capacity at council meetings at all times. Members of the audience shall keep aisles clear at all times and shall abide by the seating arrangement at the location of the Council meeting.

2.05.70 Censure.

A. The council has the inherent right to make and enforce its own rules and to ensure compliance with the laws generally applicable to public bodies. Should a councilor act in any manner constituting a substantial violation of these rules or other general laws, the council, by majority vote, may discipline that councilor to the extent provided by law up to and including public reprimand.

B. If a councilor is subject to an inquiry, that councilor shall be notified of the inquiry prior to its initiation unless otherwise prohibited by law.

C. To exercise such inherent right of inquiry, council has the right to gather the facts pertinent to the issue. Such inquiries shall be referred to the council, either in open meeting or in executive session, to discuss any finding(s) that reasonable grounds exist that a substantial violation has occurred. The accused councilor has the right to request the meeting be held in either public or in executive session and will be given the opportunity to defend their actions.

D. No individual councilor shall have the right to make public, or assist in making public, any information obtained through such investigation. [Ord. G1-2012 § 7, 2012.]

2.05.80 Code of ethics.

A. Councilors shall comply with all applicable provisions of the state of Oregon's Government Ethics Laws, as established in ORS Chapter 244 and incorporated herein by reference.

B. Councilors are encouraged to conduct themselves so as to bring credit upon the city as a whole, and to set an example of good moral and ethical conduct for all citizens of the community.

Councilors should constantly bear in mind these responsibilities to the entire electorate, when taking action as a member of the council, and refrain from actions benefiting any individual or special interest group at the expense of the city as a whole. Councilors should likewise do everything in their power to ensure impartial application of the law to all citizens, and equal treatment of each citizen, without regard to race, national origin, sex, age, social station, or economic position.

C. If the mayor or any councilor represents the city before another public body, governmental agency, community organization or with the media, the mayor or councilor should always present the majority position of the council. Personal opinions and comments may be expressed only if clarification is included that these statements do not represent the position of the city council. Communication of personal opinions and comments should not be accompanied with a statement of the author's status as a member of the council. [Ord. G1-2012 § 8, 2012.]

2.05.90 Council relations with city staff.

A. There will be mutual respect from both councilors and staff of their respective roles and responsibilities when and if expressing criticism in a public meeting.

B. Council actions include ordinance enactment, resolutions, motions, consensus, administrative rules and orders, special investigations, approval of appointments, public hearings, budget process, legislative audits, review of administrative rules and agency reporting requirements. While council is the decision making body, the staff is responsible for recommending, implementing and administering policies, goals and day to day operations.

C. During a council meeting, all requests for information are to go directly to the presiding officer or the city manager. At other times, if the request for information would entail an effort that would require time to be spent in researching and/or preparing a response, the request goes directly to the city manager. The city manager will direct the requests to staff, the city attorney or deal with them as appropriate. Questions or complaints regarding staff go directly to the city manager or the mayor.

D. Councilors may seek information from staff members regarding the operations within the purview of their position, but shall not attempt to change or interfere with the operation or practice of any employee except by directing their concerns to the city manager. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 9, 2012.]

2.05.100 Committees.

A. The mayor with consent of the council may establish by resolution an ad hoc or standing com-

mittee to perform specified investigatory or advisory functions. Any authority granted to such committee shall be clearly delegated in the resolution creating the committee.

B. A committee may be appointed for the length of time necessary to accomplish their mission. The appropriate number of appointees may be determined at the time of appointment, in a manner consistent with subsection (A) of this section.

C. Council committees serve only in an advisory capacity to the city council and shall meet as directed by the council. After council direction is given, meetings may be called by the city manager, the mayor or by the committee chairperson. A secretary shall be appointed by a majority vote of the committee at its first meeting after committee appointments are made. A majority of the members of a committee shall constitute a quorum to do business.

D. The mayor, with the consent of the council, may remove a member from any committee or commission prior to the expiration of their term of office. Reasons for removal may include, but are not limited to: missing three consecutive regular meetings of the committee or commission, disruptive or inappropriate behavior prior to, during, or after committee or commission meetings which prohibit the advisory body from completing its business in a timely manner, or not acting in the best interest of the citizens or city.

E. Members of the council shall not attempt to lobby or influence board, committee, task force or commission members on any items under their consideration. City advisory bodies shall make objective recommendations to the council on all issues before them. Councilors that attempt to influence board, committee, citizens committee or commission members on an item may prejudice or hinder their role in reviewing the recommendation as a member of the council and may be subject to disciplinary actions.

F. All meetings of any city boards, commissions, task forces, or council committees shall be subject to and comply with the Oregon Public Meetings Law, ORS 192.610 through 192.690. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 10, 2012.]

2.05.110 Confidentiality.

A. Councilors must keep in complete confidence all written materials and verbal information provided to them in confidence or learned in executive session, to ensure that the city's position is not compromised. No mention of confidential information read or heard shall be made to anyone other than other councilors, the city manager, or the city attorney.

B. If the council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending or likely claim of litigation, and/or employee negotiations, all contact with the other parties shall be made by the designated staff representative handling the negotiations or litigation. A councilor shall not have any contact or discussion with the other party, or their representatives involved with the issue, nor communicate any discussion conducted in executive session.

C. All public statements, information, or press releases on city matters will be handled by the mayor and/or the city manager. [Ord. G2-2015 § 1, 2015; Ord. G1-2012 § 11, 2012.]

2.05.120 Suspension or amendment of council rules.

A. Any provision of these rules not governed by state law or the city charter may be temporarily suspended by a majority vote of the council.

B. Amendments, deletions or additions to these council rules shall be by ordinance adopted by the city council. [Ord. G1-2012 § 12, 2012.]

2.05.130 Severability.

Councilors agree that if any term or provision of these rules is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the rules did not contain the particular term or provision held to be invalid. [Ord. G1-2012 § 13, 2012.]

2.05.140 Repeal.

Any other previously enacted ordinances by the city of Lyons that are in conflict with this chapter are hereby repealed. [Ord. G1-2012 § 14, 2012.]