CITY OF NEWPORT

RESOLUTION NO. 3703

A RESOLUTION ADOPTING COUNCIL RULES

FINDINGS:

A. The City Charter provides that the Council may, by resolution, adopt rules to govern its meetings and those of other city entities.

B. The City Council adopted Council Rules at its meeting of December 17, 2007 (effective January 1, 2008); and revised the Council Rules on July 18, 2011; April 15, 2013; and June 16, 2014; and wishes to make further revisions by adoption of this resolution.

C. The Council finds that the Council Rules attached as Exhibit 1 to this Resolution provide appropriate guidelines for Council members and appropriate rules for Council meetings, organizational meetings of the City Council, meetings of the Local Contract Review Board, and regular and organizational meetings of the Urban Renewal Agency, and the City Council wishes to formally adopt these revised rules as the official Council Rules pursuant to Chapter III, Section 10. of the City Charter.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The City Council adopts the "City of Newport Council Rules Effective January 20, 2015," attached as Exhibit 1 to this Resolution, as its official Council Rules. All previous versions of the Council Rules are repealed in their entirety on the adoption of this resolution.

Adopted by a 7-0 vote of the Newport City Council on January 20, 2015.

Sandra N. Roumagoux

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker

Margaret M. Hawker, City Recorder

EXHIBIT 1

City of Newport

COUNCIL RULES

Initially Adopted December 17, 2007 (Effective January 1, 2008)
Revised July 18, 2011
Amended April 15, 2013
Amended July 7, 2014
Amended January 20, 2015

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These rules are authorized by the City Charter. The Council shall review these rules periodically. Amendments shall be adopted by a majority of the entire Council by resolution. The Council Rules are not intended to replace or supersede any applicable federal or state laws or regulations, city ordinances or policies, or provisions of the City Charter.

If an interpretation of Council Rules is necessary, the interpretation will be provided by the City Council by a majority vote of the entire Council and in consultation with city staff.

RULES GOVERNING COUNCIL MEETINGS

TYPES OF MEETINGS

The Council may hold regular, special or emergency meetings. A regular meeting is one held on the Council's normal meeting schedule. A special meeting is one held at a time other than a regularly scheduled meeting time, but with at least 24 hours' notice. An emergency meeting is one held on less than 24 hours' notice. All Council meetings and sessions shall be noticed and held in compliance with Oregon public meeting law.

All Council meetings and sessions shall be open to the public, except executive sessions. The Council may, by motion, go into executive session at any regular, special or emergency meeting.

Regular Meetings

The Council will meet regularly on the first and third Mondays of each month in the Council Chambers. If a regularly scheduled Council meeting time is on a city holiday, the meeting will be held on the first day that is not a city holiday. In addition, the Council may hold a work session on the day of each regular Council meeting. The Council may from time to time hold additional work sessions.

Special Meetings

A. Special meetings are called by:

- The Mayor, or in the Mayor's absence, the President of the Council, at their discretion
- The Council at the request of two or more members of the Council, or
- The City Manager

B. Written notice of a special meeting shall be directed to each member of the Council at least 24 hours in advance of the meeting. The notice shall be served on each member personally, telephonically, or electronically, or if the Council Member is not found, left at his or her place of residence or business.

Emergency Meetings

An emergency meeting may be called by the City Manager, the Mayor, or two Councilors, consistent with state law. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours' notice. The city shall attempt to contact the media and other interested persons to inform them of the meeting.

Work Sessions

Work sessions will generally be utilized to present information to Council and to allow preliminary discussion on substantive issues in preparation for action at a future regular City Council meeting.

Work sessions will be scheduled on an as-needed basis at the discretion of the Mayor and City Manager. Work sessions dates and times will be dictated by the substance of the issue and the approximate amount of time that may be necessary for discussion.

Work sessions will normally be scheduled prior to regular City Council meetings when less than 45 minutes is planned for the work session; and at noon on Monday if more than 45 minutes is planned. Any Council member requesting future issues for discussion at a work session can place those subject ideas on the white board in the Council Office. The Mayor and City Manager will make a determination as to when the work session will be scheduled. Work sessions can be scheduled at other times during the week when deemed necessary.

Executive Sessions

An executive session (meeting closed to the public) may be held in accordance with state law. 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, special or emergency meetings, so long as appropriate statutory requirements are met.

A. No final action or decision can be made during an executive session. When the Council reconvenes in open session, a final action or decision may be taken. Only the Council, City Manager, City Recorder, City Attorney, news media representatives and others invited by the Council or City Manager may attend an executive session.

B. A major reason for allowing members of the news media to attend executive sessions is to ensure that the issues discussed are proper subjects under the state laws related to executive sessions and to keep the media informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. Members of the press shall be told that they may not report the substance of an executive session.

C. Minutes or a recording of executive sessions are required.

D. Information discussed during an executive session and other privileged communications should not be disclosed to persons other than Council Members, the City Manager, City Recorder or City Attorney outside the executive session. Disclosure of such information could lead to increased personal or City liability and/or public censure of the person who improperly disclosed the information.

Organizational Meetings

Chapter VII Elections, Section 30. Terms. provides; "The term of the Mayor and each Councilor elected at a general election begins at the first Council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office."

At the organizational meeting, the existing members of the City Council will be seated, roll call will be done by the City Recorder, and the Council will consider approving the minutes from the last City Council meeting. Members who will not be returning to the Council will be recognized. This will be followed by a motion to adjourn the meeting. At this point, any existing members of the City Council present at the meeting who will not be serving on the new City Council will vacate their chairs.

A. Oath of Office and Seating Arrangement on the Dais. Chapter VII, Section 31, Oath provides; "The Mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon and the Charter and Ordinances of the City."

   The process leading to the oath of office will include the seating of the new City Council. The existing members of the Council can elect to move to any vacant seat that is provided for the six City Council members. This is done in order of seniority of the existing members. For Councilors who have served the same number of years on the Council, seniority is determined by the candidate who received the highest number of votes during their first election to the City Council followed by any Councilor's appointed to serve on the Council. Furthermore, seniority is determined by continuous service on the City Council. For Councilors who had a gap of service on the Council, seniority starts with the time following this gap for these specific purposes. Once the existing members have made their decisions as to the selection of a Council member seat location, the City Recorder will administer the oath of office to the Mayor, any re-elected members of the City Council by seniority, and then the newly elected members of the City Council in order of popular vote from the November election. After the new Council member is called forward by the City Recorder, they will take the oath of office at the podium and then select one of the vacant City Council seats in order of popular vote.

   The City Recorder will call the roll of the newly-seated City Council.

B. Election of the Council President. Chapter III, Section 9, Council President provides; "At its first meeting each year, the Council shall elect a president from its

membership. The President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties."

The term of the Council President is for one year and the intent is for this position to rotate on an annual basis to different members of the Council.

The Mayor will ask each member for a nomination of Council members to serve as Council President. The Mayor is allowed to nominate a member to serve in this capacity as well. Once nominations are closed, the City Recorder will distribute ballots and the Council members will write a name of a nominated Council member and sign their own name on the written ballot. The City Recorder will count the ballots and the member of the Council receiving the most votes will become the Council President for that year. The City Recorder will include the individual votes of each Councilor for Council President in the minutes of the organizational meeting.

C. Establishing a Two-Year Meeting Schedule. The City Council will confirm the dates and times for regular City Council meetings through the next organizational meeting following the next regular City election. The current rules of order provide that the Council will meet on the first and third Mondays. Traditionally, these meetings are held at 6:00 P.M.

D. Appointment of Councilors as Liaisons to Task Forces, Committees, or Boards and Appointments to Internal Committees as Voting Members, and Serving as a Voting Member of an Outside Group. The Mayor will develop a list designating which members will serve as non-voting liaisons to various committees. Councilors who are interested in serving on any board or commission as a liaison shall contact the Mayor one week prior to the meeting to express their interest. A listing of current liaisons will be provided prior to that time. The Council will consider confirmation of these appointments. The Council Rules outline the responsibility of Council liaisons to various boards and committees.

The Mayor will also develop a list for appointments to internal committees, task forces, and working groups for confirmation by the City Council in accordance with the procedures for appointing liaisons to committees.

The appointments of Council members to serve on outside boards and committees representing the city shall be done by motion and vote of the Council. Any Councilors expressing an interest in serving as a city appointee will contact the Mayor at least one week prior to the organizational meeting. The Mayor will forward all names who have expressed an interest in serving as a voting member of that outside board or committee for full Council consideration.

E. Agenda Packet for the Organizational Meeting. An agenda packet for the organizational meeting will be prepared by 4:00 P.M. on the Thursday prior to the meeting. A copy will be available in the Council mail boxes in the Council office and electronically forwarded to each member of the Council.

MEETING PROCEDURE

Adjournment, Continuance, and Breaks

In order to give fair consideration to all matters, if a meeting is still in progress at 10:00 P.M., the Council may consider whether it should adjourn and continue unfinished agenda items to a future meeting. The decision whether to adjourn before the agenda has been completed should normally be made between agenda items, rather than in the middle of consideration of an item. If any hearings are postponed to a future meeting, the Council normally will give an opportunity to speak to anyone who wishes to participate in the hearing and is unable to attend the rescheduled hearing. Any member of the Council may request a short break at any time during a Council meeting.

Agenda

A. Deadlines. In order to provide the members of the City Council with sufficient time to become acquainted with the business that may come before the City Council, it shall be the responsibility of the City Manager to provide a written agenda packet for all regular City Council meetings. All items to be placed on the City Council agenda shall be provided to the City Manager's office by 5:00 P.M., on the Tuesday prior to the Council meeting. The City Manager's office will compile the agenda packet which will be available via electronic submission by 4:00 P.M. on the Thursday prior to the City Council meeting, and will be available in print form by the Friday before the Council meeting, at 8:00 A.M., at City Hall.

B. Agenda Items. Members of the City Council, the City Attorney, boards and committees of the city, or any citizen, may request that items be placed on the agenda and it shall be the City Manager's duty to place the requested items on the agenda. Any person requesting that an item be placed on the agenda shall be given the privilege of introducing this item when it is considered by the City Council. The City Manager shall place any items originating from city departments or city administration under the City Manager's report for City Council consideration.

C. Addition of Agenda Items. No item of business not listed on the agenda shall be considered by the Council, except with an affirmative vote of 75 percent of those voting when a quorum of the City Council is present.

D. A Council Member who wishes staff to undertake major research or drafting to prepare an action item shall raise the issue at a Council meeting, and the City Manager shall take direction from the Council as a whole. Direction to proceed with an item does not commit the Council or any individual Council Member to supporting an action when it comes before Council for a final decision.

E. The agenda shall be in any form chosen by the City Manager, subject to direction by the Council.

Broadcasting Council Meetings

The Council wishes to have regular meetings of the Council broadcast on a public access cable television channel and anticipates possible radio broadcasts of Council meetings.

The Council intends any broadcasting of Council meetings be unbiased and even-handed. Any televising of Council meeting should use camera shots that are appropriate for the Council, witnesses and audience members and are relevant to the discussion.

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

Any time a Council meeting is broadcast under the control of the city, it shall be simultaneously recorded and may be rebroadcast.

Consent Calendar

In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on the consent calendar. This should include such things as lease renewals, minutes, confirmation of appointments to committees and commissions, and the scheduling of future meetings and other issues that are not anticipated to be controversial. All of the items on the consent calendar can be approved by one vote of the City Council. Before the vote is taken on the items listed in the consent calendar portion of the agenda, any Council Member can request that such an item be removed from the consent calendar and acted upon by separate motion and vote of the Council. Any matter removed from the consent calendar can be considered immediately after the balance of the consent calendar is approved.

Decorum (see also "*Order*")

All persons at Council meetings shall behave in a courteous, orderly, and respectful manner, considering the importance of Council meetings and the need to proceed with Council business. Except in case of injury, persons shall not rest their feet on chairs or tables, or stand on chairs or tables. The presiding officer 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 Council Rules. The presiding officer may request the assistance of a sergeant-at-arms to restore order at any meeting.

Electronic Communication

All electronic communication shall be silenced during Council meetings.

Exhibits

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

Meeting Procedure

The presiding officer shall make all initial procedural decisions. The Council by majority vote may overrule the procedural ruling of the presiding officer. The City Attorney, if requested, shall act as the Council's parliamentarian, but will have no vote.

Meeting Staffing

The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Attorney will attend all regular Council meetings, upon request, and shall have the right to take part in Council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. The City Recorder or designee shall attend all Council meetings, 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 Manager or Council through the City Manager.

Minutes

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

A. Council meeting minutes shall contain:

    1. Date and time of call to order and the date and time of any adjournment.

    2. The name of Council Members and staff present.

    3. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.

    4. The result of any votes, including ayes and nays and the names of the Council Members who voted.

    5. The substance of the discussion on any matter.

    6. Reference to any document discussed at the meeting.

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

Motions

When a motion is made, it shall be clearly and concisely stated by its mover. Council Members are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The presiding officer will state the name of the Council Member who made the motion and the name of the Council Member who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the presiding officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

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

B. If a motion does not receive a second, it dies.

C. A motion that receives a tie vote fails.

D. A call for the question is intended to close the debate on the main motion and does not require a second and is not debatable. A call for the question fails without a majority vote. Debate on the main subject resumes if the motion fails.

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

F. A motion to adjourn cannot be amended.

G. A motion to amend an amendment is allowed.

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

I. Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.

J. The motion maker, presiding officer, meeting recorder, City Manager, or City Attorney should repeat the motion and/or the amendment prior to voting.

K. A point of order, after being addressed by the presiding officer, may be appealed to the body.

News Media

The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Workspace shall be reserved for members of the press at Council meetings so that they may observe and hear proceedings clearly. The terms "news media" "press" and "representative of the press" for the purpose of these rules are interchangeable and mean someone who:

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

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

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

Order

A law enforcement officer of the city may be sergeant-at-arms of the Council meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purposes of maintaining order and decorum at the Council meeting.

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

    1. Use of unreasonably loud or disruptive language or noise.

    2. Engaging in violent or disruptive action, including any violence towards any person.

    3. Willful damage to city or private property.

    4. Refusal to obey these rules or other applicable regulations, including limitations on occupancy and seating capacity.

    5. Refusal to obey an order of the presiding officer or an order issued by a Councilor that has been approved by a majority of the Council present.

B. Before the sergeant-at-arms is directed to remove any person from a Council meeting for conduct described in this section, that person may be given a warning by the presiding officer to cease his or her conduct. A warning is not required, but will generally be given to provide the person an opportunity to correct his or her behavior. If a meeting is disrupted by one or more members of the audience, the

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

Order of Business

The City Manager shall arrange the order of business to achieve an orderly and efficient meeting. The order of business will be as follows:

I. Roll Call

II. Proclamations, Recognitions, and Special Presentations

III. Public Comment (three minutes per person) on non-agenda items

IV. Consent Calendar (confirmation of Mayoral appointments, approval of minutes, renewal of leases, routine issues, etc.)

V. Public Hearings/Special Orders of Business

VI. Communications (agenda items requested by Council Members, City Attorney, boards, commissions, task forces, committees, community groups, or individuals with a ten minute time limit for presentation)

VII. City Manager's Report (includes all items from the City Manager, department heads, and other staff requiring City Council action, and informational items.)

VIII. City Council acting as the Local Contract Review Board

IX. Public Comment (three minutes per speaker)

X. Mayor and Councilor reports and comments

XI. Adjournment

Ordinances and Resolutions

All ordinances and resolutions shall be prepared under the supervision of the City Manager or City Attorney. Any ordinance or resolution not prepared by the City Attorney shall, upon request, be reviewed and approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department head.

A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title or number of the resolution and shall be effective upon adoption. A roll-call vote is not required for resolutions unless it is unclear whether a majority favor the resolution.

B. Ordinances shall be adopted as provided by the City Charter. Failure to comply with post-adoption signature requirements shall not invalidate an ordinance.

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

D. Ordinances shall be adopted by roll-call vote.

Planning Commission Testimony

The Planning Commission was established in compliance with state statute to make recommendations to the City Council on general land use issues and to act as a hearing body for the city. For legislative land use matters before the Council, commissioners may testify as a commissioner, as a commission representative if so designated by the commission, or as a citizen.

Presiding Officer

The Mayor shall be the presiding officer and conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Council President shall preside in the absence of the Mayor. The Mayor may ask the Council President to preside over all or part of a meeting at any time to provide the Council President with experience in presiding over Council meetings. The presiding officer shall not be deprived of any of the rights and privileges of a Council member. In case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a chairperson for the meeting by majority vote.

Public Addressing the Council

Each person addressing the Council shall submit a completed testimony form to the City Recorder. A separate form must be completed for each item desiring to be addressed.

A. When called by the presiding officer, those wishing to address the Council shall come to the designated area and state their name. They shall limit their remarks to the time allocated by the presiding officer or Council. They should address all remarks to the Council as a body and not to any member thereof.

B. No person shall be permitted to enter into any discussion, without the permission of the presiding officer. Questions from the public shall be asked of a Councilor or staff through the presiding officer.

C. Any person making personal, offensive, or slanderous remarks, or who becomes threatening or personally abusive while addressing the Council may be requested to leave the meeting.

D. Testimony shall be relevant to the topic of the agenda item and not redundant. The presiding officer may terminate redundant and/or irrelevant testimony. Pre-hearing testimony on quasi-judicial land use actions that may come before the Council will not be permitted.

E. The intent of this section is not to stifle public debate, but to provide guidelines to allow meaningful and productive comment and debate.

Public Hearings and Participation.

Except when a public hearing is expressly required by applicable law, members of the public do not have the right to speak on items on the Council agenda. Nevertheless, the Council will normally allow public comment on action items, but is not required to do so. The Council may limit public comment and may disallow further public comment.

Different public hearings have different standards. If applicable law provides for a public hearing but does not regulate the type of hearing, the Council will allow any person with a right to a hearing to present written and oral testimony and argument. The Council may limit the time of oral testimony and argument.

Some public hearing law provides a right to a hearing to certain persons, but not to others. The Council shall allow persons with a right to a hearing to speak, but may prohibit or limit participation by others.

Public Participation at Council Meetings

Opportunities for public comment are important for policy development. It should be noted, that City Council meetings are meetings of the public body held in public, not public forums. Except when a public hearing is expressly required by applicable law, members of the public do not have a right to speak on items on the Council agenda. Nevertheless, the Council will normally allow public comment on action items. Any member of the public can submit a completed public comment form to the City Recorder for each item they wish to address on the agenda. The general public is allowed three minutes. During any public comment or public hearing time, the public will be allowed to utilize their time to speak and share their comments with the City Council provided that the testimony is relative to the topic of the agenda item. During this time, public participants at City Council meetings shall be allowed to make appropriate comments with the three-minute period of time that is allowed without interruption from the Council or staff. Please note that the public participants may ask questions, however, the questions will be answered after the public comment period is closed in order to allow the individual to utilize their full three minutes of time. Following the close of public comments or a public hearing, any questions raised or comments made will be addressed for all participants in the hearing. If City Council members and/or staff have

questions for any of the public participants as a result of the testimony, that discussion will follow the close of the public comment period when the questions can be asked. This will assure fair participation by the public at City Council meetings and will eliminate any active debate or discussion between the public and Council during public hearings and/or public comment sections.

Quorum

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

Reconsideration of Actions Taken

A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council. However, nothing in this section precludes a new motion on the same subject matter as a previous decision with the possibility of a different result.

Requirements of all Meetings

All notice requirements of state law shall be satisfied before any Council meeting can be conducted.

Council Members shall keep the City Manager informed of their current telephone numbers.

Because of the possibility of special and emergency meetings, Council Members should normally advise the City Manager if they will be absent from the city for more than 24 hours. Advising the City Manager of absences is particularly important if the Council member will be in a location or involved in an activity that limits electronic communication.

Suspension of Rules

These rules may be suspended upon an affirmative vote of 75 percent of those voting when a quorum of the Council is present. Suspension of the rules should only occur in cases of extreme necessity. Notwithstanding the above, quorum and majority voting requirements shall not be suspended or waived.

Voting

Every Council Member who may legally vote on a motion shall vote on a motion unless a majority of the Council present, for special reason, allows the Council Member to abstain. The Council Member must declare the intent to abstain prior to the vote and explain the reason for the abstention.

A. No Council Member shall be permitted to vote on any subject in which he or she has an actual conflict of interest, unless allowed by state law, or is otherwise disqualified from participation.

B. The concurrence of a majority of the Council Members voting when a quorum is present at a Council meeting shall be necessary to decide any question before the Council.

CITY COUNCIL ACTING AS OTHER CITY ENTITIES

Local Contract Review Board

Authority. Chapter 2.30 of the Newport Municipal Code provides that the City Council shall act as the Local Contract Review Board and shall have all powers authorized by state law and city charter.

Meetings. The Local Contract Review Board shall normally act during a regular City Council meeting with the Mayor serving as chair. When action of the Local Contract Review Board is required, the issue will be placed on the City Council agenda in accordance with the "Order of Business" outlined in Meeting Procedures. The City Recorder will note the time that the Local Contract Review Board is called to order; any action taken; and the time the Mayor adjourns the Local Contract Review Board. The City Recorder will indicate the time that the City Council resumes its meeting.

Urban Renewal Agency

Authority. Ordinance No. 1910 provides that the City Council shall have the authority to exercise the powers of the Urban Renewal Agency.

Organizational Meeting. Immediately following the City Council organizational meeting, which is held at the first meeting of the year following the election of the Mayor and Councilors, the Urban Renewal Agency will meet to elect a chair and a vice chair utilizing the election process for selecting a Council President contained in the Council Rules. The chair and vice chair will continue in office for a two-year period until an organizational meeting is held following the next election of Mayor and Councilors. The Mayor will not be considered for election as chair or vice chair. The organizational meeting will be called to order by the Mayor to conduct the election of the chair and vice chair. Following the election, the organizational meeting will be adjourned.

Meetings. Meetings of the Urban Renewal Agency will be scheduled by the City Manager, acting as the Executive Director of the Urban Renewal Agency, the chair, or any two members of the Agency. Meetings will typically be scheduled in conjunction with regular City Council meetings when it is necessary for the Agency to meet. The chair shall assume the Mayor's seat for presiding over the meeting. The Mayor will take the vacated seat.

Meeting Procedure. The meetings of the Agency will follow the "Rules Governing Council Meetings" outlined in the Council Rules.

Order of Business. The City Manager, as the Executive Director, shall arrange the order of business to achieve an orderly and efficient meeting. The order of business will be as follows:

URBAN RENEWAL AGENCY

I. Roll Call

II. Public Comment (three minutes per person) on non-agenda items

III. Consent Calendar (approval of minutes, renewal of leases, and routine issues, etc.)

IV. Public Hearings or Special Orders of Business

V. Communications (agenda items requested by Agency Members, City Attorney, commissions, boards, task forces, committees, community groups, or individuals with a ten minute limit for presentation)

VI. Executive Director's Report (includes all items from the Executive Director, department heads, and other staff requiring Urban Renewal Agency action, and informational items.)

VII. Agency Member Reports and Comments

VIII. Adjournment

GENERAL COUNCIL RULES

Annual Report of Boards, Commissions, Committees, and Task Forces

At the request of the Council, boards, commissions, committees and task forces will report to the Council on their activities.

Appointed Positions

The Council appoints and can remove the City Manager, the City Attorney, and the Municipal Judge. The Council shall evaluate the City Manager and the City Attorney in accordance with their respective contracts, but no less frequently than once a year. The Council may meet with the Municipal Judge once annually, but will not interfere with the Municipal Judge's exercise of judicial authority and discretion.

Attendance and Presence in the City

Councilor Members will inform the Mayor and/or City Manager if they will be unable to attend any meetings. If the Mayor will be absent, the Mayor will inform the City Manager and the Council President. Under the City Charter, a Council position becomes vacant if the Council member is absent from the city for more than 30 days without Council permission. The permission to be absent from the city must be requested before the absence, or in the case of a family illness or other unforeseen event, prior to the end of the 30-day absence.

Communication with Staff

All Council Members shall respect the separation between the Council's role and the City Manager's responsibilities by:

A. Not interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.

B. Working together as a team within a spirit of mutual confidence and support.

C. Respecting the administrative functions of the City Manager, the City Attorney, and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Council will abide by the City Charter in its dealings with the City Manager and City Attorney.

D. Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager or Mayor. Questions from individual Council Members requiring significant staff time or resources (generally, two hours or more) should normally require approval of the Council, although the City Manager or the Mayor may determine to follow up on requests from Councilor Members. Written requests for information

requested by an individual Council Member should normally be responded to in writing to the Council as a whole, with a notation as to which Council Member requested the information. Council Members should normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by Council Members acting in their individual capacity rather than as Council Members, or to questions regarding conflict of interest or similar issues particular to the Council member.

E. Communication with the City Attorney by individual Councilors should be authorized, in advance, by either the Mayor or the Council President with the exception of issues such as personal conflicts of interest and other individual issues.

F. Limiting individual contacts with city officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the City Manager, department heads, and other managerial and supervisory employees.

G. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.

Nothing in this section precludes Council Members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager or City Attorney.

Conduct of Council Members.

A. *Non-Participation.* A Councilor shall not participate in a quasi-judicial decision if the Council member is biased to the extent that the Council Member cannot decide the matter by applying the applicable standards and criteria to the facts of the situation as presented to the Council. A Council Member shall not participate in any decision when participation in the decision is contrary to state law. Any person may challenge the participation of a Council Member at the start of the proceeding. If a challenge is made, the Council Member may choose to withdraw or rehabilitate him or herself, by stating on the record that he or she can make a fair decision based solely upon the evidence presented and applicable criteria. If the Council Member does not withdraw or rehabilitate him or herself, the remainder of the Council will decide by motion whether the Council Member will participate. A Council Member who is not participating shall not sit at the Council table, and shall move into the audience seating.

B. *Conflict of Interest.* Under state law, an actual conflict of interest is defined as one that *would* or will result in a financial benefit or the avoidance of financial debt to a Council Member, his or her relative or a business with which the Council Member is associated. A potential conflict of interest is one that *could* or might result in financial benefit or avoidance of financial debt A Council Member must publicly announce both potential and actual conflicts of interest each time the issue creating the conflict arises before the Council. In the case of an actual conflict of interest, the Council

Member must refrain from participating in debate on the issue and from voting unless allowed by state law. If a Councilor believes that he or she qualified to vote on the matter despite an actual conflict of interest, that Councilor should seek legal advice from the City Attorney prior to voting or debating the matter. A Council Member who is not participating because of an actual conflict of interest shall leave the Council table after declaring the conflict. For the purposes of this policy, the term "relative" shall be defined consistent with ORS 244.020.

C. *Ex Parte Contacts.* For quasi-judicial hearings, Council Members will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts include any information relevant to the issue at hand, other than contacts with staff, gained outside the formal hearing process and not in the record relating to the subject matter of the quasi-judicial hearing. Ex parte contacts include both oral and written communication. If a Council Member has an ex parte contact prior to any hearing, the Council Member will reveal the contact on the record at the beginning of the hearing, and describe the substance of the contact. After all declarations of ex parte contacts, the presiding officer shall announce the right of interested persons to rebut the substance of the communication.

D. *Absence for Portion of a Hearing.* For quasi-judicial hearings, a Council Member who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Council Member has reviewed all the evidence and testimony received.

E. *Government Ethics Requirements and Reporting.* Council Members 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. Council Members shall give public notice of any actual or potential conflict of interest and the notice will be reported in the meeting minutes. Council Members shall timely file annual statements of economic interest with the Government Ethics Commission.

F. *Ethical Conduct and Fair Treatment.* In addition to matters of financial interest, Council Members 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 information that is confidential under law or making use of special knowledge or information before it is made available to the general public.

2. Making city decisions involving the Councilor's business associates, customers, clients, and competitors.

3. Repeated violations of these Council Rules.

4. Promoting relatives, clients, employees or for boards, commissions, committees, and task forces.

5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers, or friends.

6. Seeking employment of relatives with the city.

7. Actions benefiting special interest groups at the expense of the city as a whole.

8. Expressing an opinion contrary to the official position of the Council without so stating.

G. *General Conduct.* In general, Council Members 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.

H. *Participation in Council Meetings.* Any Council Member desiring to be heard during a Council meeting should normally be recognized by the presiding officer and shall confine his or her remarks to the subject under consideration or to be considered. Council Members will speak one at a time, allowing one another to finish. The presiding officer may allow flexibility in the application of this rule.

Conferences and Seminars

Council Members are urged to educate themselves about local government. To that end, and as funding allows, Council Members are urged to attend the League of Oregon Cities functions at city expense. Requests to attend other government-related conferences, training, seminars, and meetings will be presented to the Council for approval. Council Members who serve on committees or the boards of the League of Oregon Cities, the National League of Cities, or other similar associations of local governments will be reimbursed for reasonable expenses not covered by the respective body.

Confidentiality

Council Members will keep all information provided to them on matters that are confidential under law in complete confidence to ensure that the city's position is not compromised. No mention of any information confidential under law, whether provided to the Council Members in written form or verbally, should be made to anyone other than other Council Members, the City Manager, the City Attorney, the City Recorder, or responsible department heads.

A. If the Council in executive session provides direction to staff on proposed terms and conditions for any type of negotiation, whether it be related to property acquisition or disposal, a pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Council Member will not have any contact or discussion

with any other party or its representative nor communicate any executive session discussion, except as authorized by Council.

B. All public statements, information, or press releases relating to matters that are confidential under law will be handled by the City Manager or other person authorized by the Council.

C. The Council, by resolution or motion and with a majority vote of the entire Council, may censure a member who discloses a matter that is confidential under law.

Contacts with Organizations

The City Council will seek meetings with the Lincoln County Board of Commissioners, the Lincoln County School District Board, the Port of Newport, and other local governments, and groups, as needed to address issues of common interest. The City Council will allow local groups such as the Chamber of Commerce, and local business, neighborhood or citizens groups, to make presentations to the Council on matters of common interest.

Establishment of Boards, Commissions, Committees, Task Forces, Work Groups, and Sub-Groups

The City Council may establish boards, commissions, and standing committees by ordinance. These are typically groups that would deal with on-going issues.

The City Council may establish Task Forces by Council resolution which should contain a specific task and completion date for the task.

The City Council may establish work groups and sub-groups for the purpose of studying a specific issue. Work groups and sub-groups may be established by Council motion which should include a topic to be studied along with direction as to the composition of the group and an approximate completion date of the study.

Every meeting of any board, commission, committee, task force, work group, and sub-group established by the City Council will be attended by appropriate city staff as assigned by the City Manager. With the exception of work groups and sub-groups which include no more than two City Councilors as members; all meetings of any board, commission, committee, task force, work group, and sub-group will be properly noticed pursuant to the Oregon Public Meetings Law. Agendas, minutes, and audiofiles will be prepared for all meetings except work groups and sub-groups with two or fewer Councilors. All agendas, minutes, and audiofiles required by these Rules will be posted on the city's website.

Appointments to Boards, Commissions, Committees, Task Forces, Work Groups, and Sub-Groups shall be made by the Mayor subject to confirmation by the City Council.

Expenses, Reimbursement and Compensation

Council Members shall receive no pay or other compensation for serving on the Council. Council Members will follow the same rules and procedures for reimbursement as those which apply to city employees, when seeking reimbursement for attendance at authorized conferences or other authorized reimbursement. The city does not reimburse Council Members for expenses incurred by their spouses and/or guests.

Gifts by the Council

On occasion, and within the approved budget, the Council may wish to purchase a gift or memento for someone with city funds. Expenditures of this type shall require consensus approval of the Council.

Liaison to Boards, Commissions, and Committees

The Mayor may appoint Council Members to act as liaison to boards, commissions, committees, task forces, or other bodies that advise the Council. In the event a Council liaison is unable to attend a meeting of the board, commission, committee, or task force, the liaison will either contact another Council member to act as liaison for the meeting or ask the Mayor to find a substitute.

When attending a meeting of a city board, commission, committee, or task force as liaison, Council Members will:

A. Not attempt to lobby or influence the board, commission, committee, or task force on any item under its consideration, unless the City has taken an official position regarding that item.
B. Not vote at the body's meeting on any item. This rule applies only when the Council Member is acting as liaison; it does not apply when the Council Member is a member of the board, commission, committee, or task force and does not apply to non-city bodies when the Council Member is the representative of the city.

Litigation

The City Manager and/or City Attorney will provide the City Council with a confidential memo regarding claims and may meet in executive session with the Council within 30 days of the city's receipt of:

A. A statutory notice of intent to sue, or

B. A summons and complaint for damages.

The City Manager and/or City Attorney will provide the Council with a report of all claims filed against the city.

Orientation of New Councilors

Orientation will be provided to newly-elected Councilors by the Mayor, City Manager, and City Attorney at a time that is mutually agreed upon. Traditionally, orientation is provided through a day- long series of meetings and tours of city facilities.

Public Records

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

Representing the City

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

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

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

C. By resolution, the Council may appoint one or two of its members to act as negotiators with groups, individuals, or other governmental entities. Any agreements made by such negotiators shall require approval of the Council as a whole to take effect.

Vacancies on Boards, Commissions and Committees

The Mayor, subject to ratification by the Council, shall appoint all members of boards, commissions, committees, and task forces, and appoint persons to fill all vacancies. The City Manager will seek applications from interested candidates. The Council may, and normally will, interview applicants for the Planning Commission and Budget Committee. Other committees, boards, and task forces will make recommendations to the Mayor regarding candidates to fill vacancies that may occur on committees, boards, and task forces other than the Planning Commission and Budget Committee.

Vacancies on the Council

Upon declaring a vacancy on the City Council, the Council will fill the vacancy under provisions of the City Charter. The vacancy will be advertised and applications will be accepted. After the filing deadline has passed, the Council will conduct public interviews of all applicants. The Council will make a decision to fill the vacancy in a public meeting.