

CITY OF LAFAYETTE
City Council Rules
As Amended March 12 and April 9, 2009

1. PURPOSE

1.1 Pursuant to Section 13 of the City Charter, the Council shall adopt Council rules. The Council shall review its rules at the Council's 1st meeting in January every odd numbered year. Amendments shall be adopted by a majority vote. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinance or policies, or provisions of the City Charter.

2. COUNCIL DISCUSSIONS AND DECORUM - GENERALLY

2.1 In general, Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed about the matters coming before the Council, and abiding by all decisions of the Council, whether or not the member voted in favor of the decision.

2.2 Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or the Council rules. Councilors shall, when addressing other Councilors, staff or members of the public, be respectful and courteous in tone and conduct, and confine themselves to questions or issues then under discussion.

2.3 The Council has an obligation to consider and address the questions coming before it in an efficient and effective manner, and to respectfully consider the opinions of the City's citizens and other Councilors. Therefore, the following ground rules shall apply during Council discussions:

2.3.1 Efficiency:

Councilors shall:

2.3.1.1 Try to gather necessary information, resolve questions, etc., about issues from the staff prior to discussing them at a meeting.

2.3.1.2 During a meeting, seek clarification from staff before proceeding with evaluation or debate.

2.3.1.3 During discussion, focus on a single issue or topic at a time, and reach resolution on one issue or topic before proceeding to the next.

2.3.1.4 Set time limits on discussions and adhere to them.

2.3.1.5 Keep the discussion moving, and call for a “process check” if the discussion gets sidetracked or bogged down.

2.3.1.6 Adhere to the established agenda, and schedule additional issues on a future agenda.

2.3.1.7 Avoid editing or rewriting proposed ordinances or policies during meetings. If, during discussion, an amendment or revision is indicated, the Council shall request the assistance of the City Attorney or staff during the meeting, or direct staff to follow up with the City Attorney after the meeting.

2.3.2 Effectiveness. Each Councilor shall:

2.3.2.1 Speak only for himself or herself, not for other Councilors. A Councilor shall not state that he or she is representing the Council, unless asked by the Council to do so.

2.3.2.2 Avoid personalizing issues and focus on making decisions that will best serve the City and its citizens. Focus on City issues and avoid becoming involved in “extra-territorial” issues.

2.3.2.3 Be open, direct, and candid in Council discussions. Be brief and succinct in stating views, and avoid redundancy.

2.3.2.4 Give all members of the Council an opportunity to express their views.

2.3.3 Respect. Each Councilor shall:

2.3.3.1 Listen to the contributions of other Councilors, City staff, and the public.

2.3.3.2 Avoid personal attacks, and remain objective in discussions, despite personal feelings on a particular topic or decision.

3. CONFIDENTIALITY

3.1 Councilors shall not share or discuss any confidential information with anyone other than other Councilors, the City Administrator, or the City Attorney.

3.2 Discussions in executive session are confidential. If the Council, in executive session, reaches consensus or provides direction to staff on confidential matters -- such as negotiations on property acquisition or disposal, pending or likely claim or litigation, or employee negotiations -- all contact with other parties shall be made only by the staff person or Councilor authorized to handle the matter.

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

3.4 The Council, by resolution, may censure a member who discloses a confidential matter. As used in this section, "censure" means to make a formal statement, either verbally or in writing, expressing strong disapproval or harsh criticism by the Council of an action of a member who the Council believes has violated this rule. This censure can be done by a motion to censure, or a resolution of censure, either of which must set out in detail the alleged violation.

4. COMMUNICATION WITH STAFF

4.1 In observing the separation between policy-making and administration, the following rules shall apply:

4.1.1 Councilors and staff shall work together in a spirit of mutual confidence and support.

4.1.2 Except in a Council meeting, Councilors shall not attempt to influence or coerce a staff member on decisions concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications, or the granting of City licenses and permits.

4.1.3 Councilors shall direct to the City Administrator all requests for information from staff, or, if information is needed of the City Attorney, direct requests to the City Administrator or the Mayor for communication to the City Attorney, and allow sufficient time for response.

4.1.4 Councilors shall limit individual contact with City employees so as not to interfere with their work performance, undermine the authority of supervisors, or prevent the full Council from benefiting from information received.

4.1.5 Councilors and staff shall be respectful and constructive when offering criticism of each other, whether inside or outside of a public meeting.

4.2 Staff shall submit all written material requested by the Mayor or individual Councilors on behalf of the City to the entire Council, with a notation indicating who requested the information.

4.3 During a Council meeting, Councilors shall address staff questions to the City Administrator, who shall be entitled to either answer the inquiry or designate a staff member to do so.

4.4 With the concurrence of the Council, directions to staff shall be given by the Mayor to the City Administrator. Directions for staff shall be clear, and shall be recorded in the minutes.

5. AGENDA

5.1 The City Administrator shall prepare an agenda of the business to be presented at a regular Council meeting. The items on the agenda should follow the formal order of business prescribed elsewhere in these rules. The City Administrator, Mayor, council members or the public may request that a matter be placed on the agenda. The City Administrator shall have the discretion of placing an item on the agenda for the upcoming meeting or a subsequent meeting because of time constraints or time needed for compilation of materials. Requests for placement of an item on the agenda must be received by the City Administrator by 5:00 p.m. on the Wednesday a week prior to a regularly scheduled meeting. If an agenda item is requested to be placed on an agenda and staff isn't able to accommodate the request, then the reason why will be communicated to the person who requested it.

5.1.1 An item may be added to, or removed from, the agenda at the beginning of any meeting by the City Administrator, the Mayor or any council member subject to approval by a majority of the council present at the meeting.

5.2 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:

Call to order.

Flag Salute.

Roll call.

Approval of minutes from previous regular meeting.

Review proceedings and approve minutes of special meetings.

Additions and Deletions. The purpose of this item is to add or delete items on the agenda. Items may be added or deleted by the City Administrator, Mayor, or with concurrence of a majority of the Council.

Public hearings. All public hearings will be subject to notice requirements as listed in other city ordinances and state law, unless there are none, and then a Notice of Public Hearing shall be placed in a local newspaper a minimum of one time within the 7 days prior to the meeting. A copy of this Notice of Public Hearing shall also be posted at City Hall during that time.

Citizen Input on non-agenda items. The purpose of this item is to allow citizens to address the council on matters related to city government and properly the object of council consideration. A time limit of five minutes per citizen shall apply, unless the Mayor, prior to the Citizen Input period, decides to allocate less time. Citizen comment shall not exceed 30 minutes unless the council votes to suspend the rules. If the consensus of the Council is that a specific matter brought up during this portion of the

meeting should be discussed further or acted on, then the Council can direct staff to look into the matter or place it on a future agenda.

Departmental reports. Reports by staff members as deemed appropriate by the City Administrator or requested by council; Reports by Council Departmental Liaisons if requested; Written reports included in packets may be discussed here if requested by a member of the council or the City Administrator.

Legislative Actions. Adoption of Ordinances and Resolutions. A reasonable amount of time will be allocated for audience questions and comments on each agenda item in this section. The Mayor must recognize each person before they are allowed to speak.

Action Items. Items deemed by City Administrator to require a consensus decision or a motion and vote of the council, other than the adoption of Ordinances and Resolutions. A reasonable amount of time will be allocated for audience questions and comments on each agenda item in this section. The Mayor must recognize each person before they are allowed to speak.

Discussion Items. Updates from City Administrator concerning on-going projects, council discussion of proposed policy changes, discussion of proposed projects, etc. A reasonable amount of time will be allocated for audience questions and comments on each agenda item in this section. The Mayor must recognize each person before they are allowed to speak.

Committee Reports. Advisory committee representatives will be required to ask to be on the agenda by 5:00 p.m. on Thursday of the week preceding the meeting.

Mayor's Report.

Review of Handout Material. Questions about any of the FYI material sent out in the packet may be asked at this time.

Adjournment.

5.2.1 Each agenda item within the Legislative Actions, Action Items, and Discussion Items categories will be dealt with in the following order:

1. Staff Explanation
2. Council Questions
3. Council Discussion
4. Audience Questions/Comments
5. Council Motion
6. Council Deliberation
7. Vote

6. **PRESIDING OFFICER**

- 6.1 The Mayor shall be the Presiding Officer at all regular and special meetings and executive sessions of the Council. The Mayor shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion of any matter before the Council, subject to these rules. In the absence of the Mayor, the Council president shall assume the duties of Presiding Officer.
- 6.2 The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as Presiding Officer. However, the Mayor shall vote only in the case of a tie vote, consistent with the City Charter.

7. MEETINGS

- 7.1 The Council shall meet regularly at 6:30 p.m. on the second Thursday of each month in the Council Chambers. A second regular meeting or work session may be held on the fourth Thursday of each month, also in the Council Chambers. All regular meetings or work sessions shall be open to the public. All regular meetings or work sessions will be adjourned not later than 10:30 p.m. unless extended by consent of each and every councilor present at that meeting. The Council may, at its discretion, schedule meetings or work sessions at other times to be announced.
- 7.2 Councilors shall make every effort to attend all meetings. Councilors shall inform the Mayor and/or the City Administrator if they are unable to attend any meeting. The Mayor shall inform the Council president and the City Administrator if he or she is unable to attend a meeting.
- 7.3 Every effort shall be made to begin meetings on time, and to avoid unduly long meetings. With the concurrence of the Council, the Mayor may table or postpone discussion on an item or matter until a subsequent meeting.
- 7.4 At the beginning of each regular meeting, the Council shall designate a time for community comment, which shall be reserved for citizens to address the Council on matters related to City government and properly the object of Council consideration. Time is limited to five (5) minutes for each speaker, unless the Council decides prior to the community comment period to allocate more or less time. The purpose of the community comment period is to provide citizens an opportunity to be heard by the Council primarily on issues not on the agenda. Councilors should refrain from engaging speakers in debate or extended dialogue, or directing questions to staff for immediate response. Councilors shall refer complaints or questions to the City Administrator or the appropriate staff person.
- 7.5 The Presiding Officer shall direct persons addressing the Council to either stand or step to the podium, to limit their comments to five minutes, and,

if requested, give their name and address. All remarks shall be addressed to the Council as a body. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council may be requested to leave the meeting.

- 7.6 After a motion has been made or after a public hearing has been closed, no public member shall address the Council without first securing permission from the majority of the Council.
- 7.7 The Mayor may, or, at the request of three members of the Council, shall, call a special or emergency meeting after giving notice as required by Oregon's Public Meeting Laws. No other business shall be transacted at any special or emergency meeting, other than that for which it was called. All proceedings of the special or emergency meeting must be reviewed at the next regular Council meeting.
- 7.8 Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting. A motion to adjourn shall not be made while a Councilor is speaking, or while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting will be adjourned.
- 7.9 A short break may be taken during the meeting upon the request of two or more Council members.

8. ORDER AND DECORUM DURING COUNCIL MEETINGS

- 8.1 The Presiding Officer shall preserve order at all meetings of the Council, cause the removal of any person from any meeting for disorderly conduct, and enforce the rules of the Council. The Presiding Officer may command the assistance of a police officer to restore order at any meeting. If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Council present may order that the Council Chambers be cleared.
- 8.2 Any of the following shall be sufficient cause for the removal of any person from the Council Chambers for the duration of the meeting:
 - 8.2.1 Unreasonably loud or disruptive language, noise or conduct that is obstructive of the work or the conducting of the business of the Council.
 - 8.2.2 Engaging in violent or distracting actions.
 - 8.2.3 Willful injury of furnishings or of the interior of the Council Chambers.

8.2.4 Refusal to obey an order of the Presiding Officer or an order issued by a Councilor which has been approved by a majority of the Council present.

8.3 Before the person is removed from the Council Chambers for conduct described in this section, that Presiding Officer shall warn the person to cease his or her conduct.

9. EXECUTIVE SESSIONS

9.1 An executive session (meeting closed to the public) may be held in accordance with Oregon's Public Meetings Laws, if permitted under ORS 192.660. Executive sessions may be held during regular or special meetings, so long as appropriate statutory requirements are met.

9.2 No final action may be taken during an executive session. When the Council reconvenes in open session, final action may be taken. Only the Council, City Attorney, staff members requested by the Council, and news media representatives may attend the executive session. Unless specifically provided by law, the Council may not prevent legitimate media representatives from attending the executive session. However, the Presiding Officer shall instruct members of the press that they may not report the substance of an executive session.

9.3 As determined by the Council, minutes may be taken or, in the alternative, a sound recording of the meeting may be made as provided for in ORS 192.650(2).

10. MEETING STAFFING

10.1 The City Administrator shall attend all Council meetings unless excused by the Mayor. The City Administrator may make recommendations to the Council and may take part in all Council discussions, but shall have no vote.

10.2 At the request of the City Administrator or Mayor, the City Attorney shall attend Council meetings and shall, upon request, give an oral or written opinion on legal questions. The City Attorney, if requested, shall act as the Council's parliamentarian. The City Attorney should be recognized by the Mayor before he or she addresses the Council during Council meetings.

10.3 The City Administrator shall perform the duties of meeting recorder, or shall designate a staff or contact person as a meeting recorder. The meeting recorder will attend all Council meetings and keep the official minutes, and perform such other duties as may be needed for the orderly conduct of meetings.

10.4 Department directors or other staff will attend Council meetings upon request of the City Administrator.

11. MINUTES

- 11.1 Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.
- 11.2 The minutes of meetings of the Council shall comply with provisions of ORS 192.650 by containing, at minimum, the following information:
- 11.2.1 The name of Councilors and staff present.
 - 11.2.2 All motions, proposals, resolutions, orders, ordinances and measures proposed, and their disposition.
 - 11.2.3 The result of any votes, including ayes and nays and the names of the Councilors who voted.
 - 11.2.4 The substance of the discussion on any matter, including direction to staff.
 - 11.2.5 Reference to any document discussed at the meeting.
- 11.3 Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made a part of the record. The exhibit shall be marked for identification and referenced in the minutes. The exhibit or a copy thereof shall be provided to the meeting recorder.
- 11.4 The Council may amend the minutes to more accurately reflect what transpired at the meeting. Councilors shall submit any changes, additions or corrections to the City Administrator prior to the meeting at which they will be adopted, so that a corrected copy can be issued prior to the meeting. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes such change.

12. CONDUCT OF HEARINGS

12.1 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.

12.2 Nature and General Conduct of Hearing.

- 12.2.1 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.

- 12.2.2 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.
- 12.2.3 No person offering testimony shall speak more than once without obtaining permission from the presiding officer.
- 12.2.4 No person shall testify without first standing, receiving recognition from the presiding officer and stating his or her name and residence or business address.
- 12.2.5 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.
- 12.2.6 There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.
- 12.2.7 The presiding officer, councilors, city administrator, city attorney and with the approval of the presiding officer, any other employee of the city may question and cross-examine any person who testifies.

12.3 Order of Procedure. The presiding officer, in the conduct of the hearing, shall comply with the appropriate city ordinance and/or state law for specific types of hearings so regulated. For administrative hearings not subject to other city ordinances or state law, the hearing will be conducted in the following manner:

- 12.3.1 Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
- 12.3.2 Call for Abstentions. 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.
- 12.3.3 Staff Report. The City Administrator, or designee, shall summarize the nature of the matter, explain any graphic or pictorial displays which are a part of the record, and provide such other information as may be requested by the Council.

12.3.4 Written Communications. Written communications addressing any matter before the council shall be received by the city by 5:00 p.m. on the Friday immediately preceding a regularly scheduled council meeting unless for good cause the council waives the time period therefor.

12.3.5 Audience Participation. Those present wishing to speak in favor of the proposed action will be allowed to speak, followed by those opposed to the proposed action.

12.3.6 Close of Hearing and Deliberation by Council. The presiding officer shall conclude the hearing and the council shall deliberate the matter. The council shall either make its decision or 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, and the presiding officer shall not allow additional submission of testimony, except on approval by the council.

13. BIAS AND DISQUALIFICATION

13.1 Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Councilor, a relative of the Councilor, or a business with which the Councilor or a relative of the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative, or a business with which the Councilor or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A councilor must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, refrain from participating in debate on the issue or from voting on the issue.

1. In the case of a quasi-judicial matter that is heard by the Council, a Councilor must disclose his or her participation in a prior decision or action on the matter that is before the Council. (A common example is when a Planning Commission member is elected or appointed to the City Council or if a Councilor testifies at a Planning Commission meeting.) The Councilor shall state whether he or she can participate in the hearing with an open mind and with complete disregard for the previous decision made. If the Councilor is unable to hear the matter impartially, the Councilor must disqualify himself or herself from participating in the proceedings and leave the room.

- 13.2 If the City Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Councilor who has been disqualified from participating in a decision may participate in the proceeding as a private citizen if the Councilor is a party with standing.
- 13.3 For quasi-judicial hearings, Councilors will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. Ex parte contacts can be made orally when the other side is not present, or they can be in the form of written information that the other side does not receive.
- 13.4 If a Councilor has ex parte contact prior to any hearing, the Councilor will reveal this contact at the meeting and prior to the hearing. The Councilor shall describe the substance of the contact and the Presiding Officer shall announce the right of interested persons to rebut the substance of the communication. The Councilor also will state whether such contact affects the Councilor's impartiality or ability to vote in the matter. The Councilor must state whether he or she will participate or abstain.
- 13.5 For quasi-judicial hearings, a Councilor who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Councilor has reviewed all the evidence and testimony received.
- 13.6 Any proponent, opponent, or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Councilor will not participate and make a decision in an impartial manner. Such challenges shall be made prior to the commencement of the public hearing. The Mayor shall give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision shall be incorporated into the record of the hearing.

14. GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING

- 14.1 Councilors shall review and observe the requirements of the State Government Standards and Practices Laws (ORS 244.010 to 244.390) regarding the use of public office for private financial gain.
- 14.2 Councilors shall give public notice of any conflict of interest or potential conflict of interest and the notice shall 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.
- 14.3 In accordance with ORS 244.195, it is the Councilor's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission.

15. LEGAL ADVICE

- 15.1 Requests to the City Attorney for advice or legal research outside a Council meeting shall be initiated only by the Mayor or the City Administrator. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Administrator to ascertain whether the request or action can be accomplished more cost-effectively by alternative means. In any case, the City Attorney shall provide any written response to the full Council and, unless otherwise directed by the Mayor, to the City Administrator.

16. CONDUCT OF BUSINESS

- 16.1 Motion Procedure. When a motion is moved and seconded, it shall be stated by the 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.
- 16.2 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.
- 16.3 Point of Order. Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any councilor to appeal the decision to the full council.

17. PROCESS FOR DETERMINING RESIDENCY

- 17.1 The Council, or the City Administrator at the request of the Council, shall determine whether a person is qualified to hold elective city office consistent with the requirements imposed by the City Charter.
- 17.2 Residency means a person actually lives and maintains a domicile within City limits where they personally reside. A determination of residency must include physical occupancy of the structure.
- 17.3 The Council or City Administrator shall use their best judgment in making a determination on residency and may consider (but are not limited to) any of the following as an indication thereof:
- 17.3.1 voter registration card;
 - 17.3.2 Oregon driver license;
 - 17.3.3 tax returns; or
 - 17.3.4 mail addressed to the Councilor at a street address located within the city limits.

18. LIAISON ROLES

- 18.1 The following liaison areas of responsibility may be appointed by the Mayor with the approval of Council.
- 18.1.1 Committees, boards and workgroups, as deemed necessary by a majority vote of the Council.