

# CITY OF ASTORIA



## RULES OF PROCEDURE FOR COUNCIL MEETINGS

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## Introduction

In February 2023, the City Council voiced their desire to develop specific standards and procedures that they as a meeting body would hold themselves to during their City Council Meetings and Work Sessions. The City Council and staff looked towards the League of Oregon Cities' "Rules of Procedure for Council Meetings" as a template when creating a version more specific to the City of Astoria.

During the February 17, 2023, City Council Work Session, the City Council met, along with staff and reviewed the League of Oregon Cities' "Rules of Procedure for Council Meetings", and discussed their own desires on how a City Council meeting would like to be held. Moving forward the City Council has held themselves to the standards they set during this Work Session for themselves. On January 2, 2024, the City Council met in a Work Session to further discuss the rules of procedures for Council Meetings after a full year of this Council working together. On May 3, 2024 during the City Council Retreat, the Council wrapped up their discussion on this document. The document was placed in front of the Astoria City Council during a regular meeting for approval on June 3, 2024. The following Rules of Procedures for Council Meetings will work as a guiding document for how City Council Meetings will be held.

**DISCLAIMER:** The Majority of these Rules of Procedures have been pulled directly, from the League of Oregon Cities "Rules of Procedure for Council Meetings". Some sections have been updated to reflect Astoria's common practices, and City code, as well as to reflect any comments/additions made during the City Council Work Session discussing this topic. These updated sections will have a "\*" to signify them.



# CHAPTER 1 – GENERAL GOVERNANCE

## I. Rules of Procedure.

- A. Unless otherwise provided by Charter, Ordinance or these Rules, the procedure for Council meetings, and any subcommittee of City Council, shall be guided by Robert's Rules of Order, 11th Edition.
- B. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the Council and confuse members of the Public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

## II. Quorum. A quorum is required to conduct official city business.

- A. The members of the Council are the City councilors and Mayor. Fifty-percent plus one of the members of the Council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.<sup>1</sup>
- B. In the event a quorum is not present, the members of Council present shall adjourn the meeting.

## III. Presiding Officer.

- A. The Mayor shall preside over all meetings. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity.
- B. In the Mayor's absence the President of the Council shall preside over the meeting. The President of the Council shall retain all rights and privileges of the office of the Mayor as set out in the City Charter when acting in this capacity
- C. If both the Mayor and the President of the Council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
  - 1. The City Manager shall call the meeting to order and the rollcall of the members.



2. Those members of Council present shall elect, by majority vote, a temporary presiding officer for the meeting.
3. Should either the Mayor or the President of the Council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The presiding officer shall retain all rights and privileges of a member of Council when acting in this capacity.

**IV. Other Elected and Appointed Officers.**

- A. City Recorder. The City Recorder shall keep the official minutes of the council.
  - B. City Manager. The City Manager is required to attend all meetings of the Council and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the council.
  - C. City Attorney. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions. Additionally, the City Attorney shall be the parliamentarian and shall advise the presiding officer on any questions of order.
- V. Agendas.** The City Manager shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.
- A. Agendas and informational material for meetings shall be distributed to the Council at least three (3) days preceding the meeting.
  - B. No Council approval shall be required for an agenda of any meeting.
  - C. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
  - D. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The City Manager will announce what was removed when asked by the presiding officer during the changes to agenda part of the meeting.



- E. Two or more members of the Council may cause an item to be placed on the next agenda. Items requested will placed as a Regular Agenda Item or as an item under New Business. Depending on the complexity or nature of the item requested, it may not be feasible to have item accompanied with a staff report.
  
- F. **Order of Business\***. The order of business for all regular meetings shall be as follows, however; when it appears to be in the best interest of the public, the order of business may be changed by the chair. Any amendments or deletions to the agenda will require a vote of Council.
  - 1. Call to order.
  - 2. Pledge of Allegiance
  - 3. Roll call.
  - 4. Presentations
  - 5. Proclamations.
  - 6. Reports of Councilors
  - 7. Changes to Agenda
  - 8. Consent agenda.
  - 9. Regular Agenda Items
  - 10. New business & miscellaneous, public comments (non-agenda items)
  - 11. Adjournment.

VI. **Agenda Definitions.**

- A. Call to Order. The presiding chair shall call all meetings of the Council to order. The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes.
  
- B. Pledge of Allegiance. \* The presiding chair shall select someone from the public, staff, or Council to lead the meeting in the Pledge of Allegiance.
  
- C. Roll Call. The presiding chair shall ask a present staff member to conduct a roll call to determine which members of the Council are present and which are absent.
  - 1. The attendance shall be properly reflected in the minutes.
  - 2. If roll call determines that a quorum is not present, the meeting shall be adjourned.



- D. Presentations. \* Often City Council will invite outside organizations, groups and individuals to come before Council and present on a specific item. These presentations will be scheduled with the City Manager's Office so that they may run smoothly during meetings.
- E. Proclamations. Proclamations are awards or recognition of individuals, organizations, or movements by the Council.
- F. Reports of Council. Council will share what is going on in their Ward, or if there are any news or information that they feel they should share with their fellow Council.
- G. Changes to the Agenda. If there have been any changes to the agenda between when the agenda packet has been published, and the City Council Meeting. The City Manager will reflect that change, and why in this section.
- H. Consent Agenda. In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda. Items include, but are not limited to easements, license to occupy, lease agreements, liquor license, department updates, meeting minutes, and contract amendments if the amendment is under the spending limit of the City Manager's Office.
1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
  2. Any item on the consent agenda may be removed for separate consideration by any member of the Council. The Public has until end of business day, 5:00 PM PST, on the day of the City Council meeting to request an item be removed from the consent agenda.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.
- I. Regular Agenda Items.\* Items include, but are not limited to, Resolutions, Ordinances, IGA's Franchise Agreements, Public Hearings, and Contracts.



1. All agenda items are open for public comment following deliberation by the City Council.

J. Public Hearings Generally

1. A public hearing may be held on any matter upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
2. Persons wishing to speak shall sign the “hearing roster” with the person’s name and address prior to the commencement of the public hearing at which the person wishes to speak.
3. The City Manager shall provide a brief description of the item, and the presiding officer shall then declare the hearing open. \*
4. Each person shall, prior to giving testimony, give their name, shall indicate whether they are a resident of the city, and may give their address [or identify the Ward in which they reside.] All remarks shall be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
  - a. Staff presentation (No time limit).\*
  - b. Applicant or affected party (10 minutes). Quasi-judicial hearing only.
  - c. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
  - d. Other interested persons (3 minutes per person).
  - e. Questions of staff (No time limit).
  - f. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (10 minutes total, 5 for both the applicant and the other party).\*

Note: If a large number of participants wish to speak, the presiding officer has the ability to organize testimony to ensure everyone is afforded an opportunity to approach City Council. This could include abridging the time for individual testimony or allowing for a single representative to share information on behalf of a group. Also see paragraph 8.\*



6. Councilors may, ask clarifying or follow up questions of individuals providing testimony after that individual has completed their testimony. Questions posed by Councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the Council when exercising this option. The presiding officer may intervene if a Councilor is violating the spirit of this guideline.
7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.
8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the City Recorder to note the numbers in the minutes.
9. At the end of public testimony and questions of staff, the Council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.
10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City Manager's assistant, or designee, at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a Councilor receiving any such communication must disclose the fact that such a



communication has been received, and the content of the communication.

11. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to their personal safety, and who wishes to exempt their address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder pursuant to ORS 192.368(1).

K. New business & miscellaneous, public comments (non-agenda items]

1. City Council can bring up any new business that they would like to see City staff work on.
2. Participants in Council Chambers or on Zoom will be allowed 3 minutes to speak to the Council on non-agenda item. In total there will be 30 minutes of public comment.

L. Written Communications to Council.

1. Unsolicited communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the Council in the agenda packet, but shall not be individually itemized on the agenda.
2. Unsolicited communications to the Mayor and/or Council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
3. The City Manager may, in their discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.



## CHAPTER 2 – MEETING TIME, LOCATION AND FREQUENCY

- I. **Regular meetings.** The Council shall meet every first and third Monday of the month, as necessary, at Astoria City Hall located at 1095 Duane Street, with the exception of designated holidays. When Council meetings fall on a designated holiday they will be moved to the next day unless decided by the majority of Council to move the meeting to another day.\*
  - A. Meetings shall begin at 6:00 p.m.
  - B. Meetings shall adjourn at 8:00 p.m., or upon the ending of the Agenda for that meeting, allowing 30 minute increment extensions upon a majority vote of the Council.
- II. **Special meetings.** Special meetings may be called by the presiding officer, by request of two members of the Council, or by the City Manager.\*
  - A. Notice of the special meeting shall be given to each member of the Council, the city manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the special meeting shall be given to all members of the Council and the City Manager via telephone and email.
  - C. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.
- III. **Emergency meetings.** Emergency meetings may be called by the presiding officer, by the request of three members of Council, or by the City Manager.
  - A. Notice of the emergency meeting shall be given to each member of the Council, the city manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the emergency meeting shall be given to all members of Council and the City Manager via telephone and email.



- C. Emergency meetings are those meetings called with less than 24 hours' notice and the Council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.
- IV. **Executive Sessions.** Executive sessions may be called by the presiding officer, by the request of three members of council, by the City manager or by the City attorney.
- A. Only members of the Council, the City manager, and persons specifically invited by the City manager or the Council shall be allowed to attend executive sessions.
  - B. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
- V. **Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.
- A. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
  - B. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
  - C. Work session will be scheduled for the fourth Monday of each month. These can be cancelled or moved at any time. In the event a work session falls on an observed holiday, the work session will be rescheduled by Council or cancelled. \*
  - D. The City Manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.
  - E. Generally, work sessions are scheduled for two hours. The agenda will identify time allotted for each item. Although work sessions are not required to end after two hours, the presiding officer will manage the



agenda to ensure all items are addressed sufficiently, unless a majority of Council agrees to move an item to a later work session.\*

- VI. **Holidays.** In the event a regular meeting falls on a holiday recognized by the City, the regular meeting shall be pushed to the next available day. \*
- VII. **Location.** Council meetings shall be held at city hall.
- A. In the event city hall is not available for a meeting, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.
  - B. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
  - C. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
  - D. No Council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.
- VIII. **Notice.** The City Manager's Office shall provide notice of all meetings in accordance with Oregon's public meeting law. \*
- IX. **Attendance.** Members of the Council shall advise the City Manager if they will be unable to attend any meetings. Under the charter, a Council position becomes vacant if the member of council is absent from the city for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.



## CHAPTER 3- ORDINANCES AND RESOLUTIONS

- I. **Ordinances.** All ordinances considered by and voted upon by the Council shall adhere to the rules outlined herein.
  - A. Numbering. The City Recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be led by the last two digits of the year in which the ordinance was introduced.
  - B. Preparation and Introduction.
    1. All ordinances shall, before presentation to the Council, have been approved by the City attorney, or the City Attorney's designee.
    2. Ordinances shall be introduced by the City manager. The presiding officer shall ask for further action on such ordinance upon completion of the introduction.
    3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
  - C. Calendar of Ordinance.
    1. An ordinance is introduced for consideration by the Council for presentation for first reading. After introduction, the Council may direct that:
      - a. A public hearing on the ordinance be held;
      - b. Refer the ordinance to the City manager for further revision;
      - c. Pass the ordinance to a second reading; or
      - d. Reject the ordinance in whole or in part.
    2. All ordinances when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.



3. When the calendar of second reading or an ordinance which is to be considered separately is placed before the Council for final passage, the city recorder shall call the roll and enter the ayes, nays and abstentions in the record.\*
4. All proposed amendments to an ordinance shall be in writing, and may be made by interlineation upon the ordinance.
5. No second reading of any ordinance shall occur at the meeting where it is introduced, except by suspension of this section of the rules, and no ordinance shall be passed at a single meeting, except by a unanimous vote for passage by all members of Council present.
6. An affirmative vote of at least three members of the Council shall be necessary to pass an ordinance.
7. When an ordinance is rejected by the Council, and is not reconsidered as provided by these rules, neither the ordinance, nor any other ordinance which contains substantially the same provisions, shall be considered by the Council for a period of not less than six months, unless at least three members of the Council petition for early consideration.

II. **Resolutions.** All resolutions considered by and voted upon by the Council shall adhere to the rules outlined herein.

A. Numbering. The city recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be led by the last two digits of the year in which the resolution was introduced.

B. Preparation and Introduction.

1. All resolutions shall, before presentation to the Council, have been approved by the City attorney, or the City attorney's designee.
2. Resolutions shall be introduced by the City Manager.

C. Calendar of Resolution.

1. A resolution is introduced for consideration by the Council. City Council may:



- a. Hold a Public Hearing on the resolution;
  - b. Pass the resolution
  - c. Reject the resolution in whole or in part.
2. All resolutions when introduced for first reading shall be identified by title and number.
  3. All proposed amendments to a resolution shall be in writing, and may be made by interlineation upon the resolution.\*
  4. An affirmative vote of a majority of the Council present shall be necessary to pass a resolution.
  5. When a resolution is rejected by the Council, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the Council for a period of not less than three months, unless at least three members of the Council petition for early consideration.



## CHAPTER 4- LAND USE HEARINGS

### I. General Conduct of Hearings.

- A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes their presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the Council, the city manager, planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the Council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

### II. Quasi-Judicial Land Use Matters.

- A. Scope of Review. All appeals and Council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
  - 1. A member of the Council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.



- b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
  2. Members of the Council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.
- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
  1. The decision of the Council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
  2. The proponent, any opponents, and/or city staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
  1. Land Use Hearing Disclosure Statement. The city recorder shall read the land use hearing disclose statement, which shall include:
    - a. A list of the applicable criteria;
    - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and



- d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the Council has had ex parte contacts. Any member of the Council announcing an ex parte contact shall state for the record the nature and content of the contact.
3. Call for abstentions. The presiding officer shall inquire whether any member of the Council must abstain from participating in the hearing due to a conflict of interest. Any member of the Council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
6. Proponent's case. Twenty minutes total.
7. Persons in favor. Three minutes per person.
8. Persons opposed. Three minutes per person.
9. Other interested persons. Three minutes per person.

Note: If a large number of participants wish to speak, the presiding officer has the ability to organize testimony to ensure everyone is afforded an opportunity to approach City Council. This could include abridging the time for individual testimony or allowing for a single representative to share information on behalf of a group. Also see Chapter 1, VI Agenda Definitions, paragraph 8.\*

10. Rebuttal. Five minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.



11. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
12. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
13. Findings and Order. The Council may approve or reject the proposal.
14. The Council shall adopt findings to support its decision.
15. The Council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
16. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the Council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **III. Legislative Land Use Matters.**

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
  1. Ask for any conflicts of interest.
  2. Call for abstentions. Inquire whether any member of the Council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
  3. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
  4. Presentation of the Case.
    - a. Proponent's case. Twenty minutes total.
    - b. Persons in favor. Three minutes per person.
    - c. Persons opposed. Three minutes per person.



d. Other interested persons. Three minutes per person.

Note: If a large number of participants wish to speak, the presiding officer has the ability to organize testimony to ensure everyone is afforded an opportunity to approach City Council. This could include abridging the time for individual testimony or allowing for a single representative to share information on behalf of a group. Also see Chapter 1, VI Agenda Definitions, paragraph 8.\*

5. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
6. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
7. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.



# CHAPTER 5 – MOTIONS, DEBATE, PUBLIC COMMENT AND VOTING

- I. **Motions.** All motions shall be distinctly worded.
  - A. The following rules shall apply to motions:
    1. If a motion does not receive a second, it dies.
    2. The 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.
    3. Any motion shall be reduced to writing if requested by a member of the Council.
    4. A motion to amend can be made to a motion that is on the floor and has been seconded.
    5. No motion shall be received when a question is under debate except for the following:
      - a. To lay the matter on the table;
      - b. To call for the previous question;
      - c. To postpone;
      - d. To refer; or
      - e. To amend.
    6. A motion may be withdrawn by the mover at any time without the consent of the Council, unless it is seconded.
    7. Amendments are voted on first, then the main motion if voted on as amended.
    8. A member of the Council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
    9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.



- a. A call for the question fails without a majority vote.
- b. Debate on the main subject resumes if the motion fails.

10. A motion that receives a tie vote fails.

11. A motion to adjourn cannot be amended.

B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

- 1. No motion shall be made more than once.
- 2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.

II. **Debate.** The following rules shall govern the debate of any item being discussed by the Council:

- A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine themselves to the question under debate, at all times acting and speaking in a respectful manner.
- B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
- C. The member of the Council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.

III. **Public Comment.** The public shall be entitled to comment on all matters before the Council that require a vote.

- A. Public comment shall occur after the matter up for vote has been presented by city staff and before the Council takes any formal action on the matter.
- B. Each member of the public is entitled to comment on the matter before the Council for three minutes.
- C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the Council or city staff.



- D. Each person desiring to give public comments shall provide the Council with their name and address prior to giving comment. This information shall be used to ensure the minutes of the meeting properly reflect those persons who provided public comment. \*

When a sign sheet up is required or necessary, the following procedures will be followed:

1. The City shall provide a sign-up sheet for Public Comment for any Regular City Council Meeting. Members of the Public wishing to speak during a meeting shall provide the following information:
  - a. Name
  - b. Address
  - c. What item they wish to speak on.
2. City staff shall administer this list during Regular Meetings and call forward the next speaker during that item's public comment section.
3. The sign-up sheet for the meeting will be made available online as soon as the agenda for that meeting has been published. A sheet will also be made available at the beginning of each meeting.

IV. **Voting.** The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these Rules.

- A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
- B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the matters on a consent agenda.
- C. Resolutions. A majority of quorum shall be required to pass a resolution.
- D. An Ordinance Involving a Fee or Fine. An ordinance involving a fee or fine shall require a majority of the Council to pass.
- E. An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority to pass.



- F. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- G. Budget. The budget shall require a majority of a quorum to pass.
- H. Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- I. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.
- J. All votes shall be recorded in the minutes.
- K. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
- L. Effective date.
  - 1. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
  - 2. The following shall take effect immediately upon its passage:
    - a. Emergency ordinances.
  - 3. All other ordinances shall take effect 30 days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
  - 4. The filing of a referendum petition shall suspend the effective date of an ordinance.



## CHAPTER 6 - MINUTES

### I. **Generally.** \*

- A. All minutes shall be in written form, with an electronic copy of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule.
- B. Minutes for City Council Regular Meetings and Work Session shall be verbatim, unless a change in practice is requested by a majority of Council.
- C. Minutes for Executive Sessions and City Council Retreats shall be summary minutes.
- D. Minutes for Astoria committees and boards meetings shall be action minutes.
- E. All minutes for any City of Astoria public body shall contain the following information:
  - 1. The date, time and place of the meeting;
  - 2. The members present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The results of all votes and the vote of each member by name;
  - 5. The substance of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting

### II. **Approval.** The Council shall approve all minutes of any meeting.

- A. All minutes shall be approved within ninety days of the meeting having occurred.
- B. The draft minutes shall be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
- C. Any member of the Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.



## CHAPTER 7 – Appointments

- I. **Appointments of City Staff.** The Council appoints and can remove those positions identified in the city’s charter. All appointments require a majority vote of the entire Council.
  - A. Reviews. Any person appointed by the Council shall be subject to an annual review by the Council.
  - B. Removals. All appointed persons may be removed by a majority vote of the entire Council.
  - C. Interference. If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance shall the Council be permitted to interfere with the judge’s exercise of judicial authority or discretion.
- II. **Appointments of Members to Boards, Commissions and/or Committees. \***
  - A. Unless otherwise mandated by state law, the Mayor shall appoint the members of any board, commission or committee authorized by the Council. The Mayor shall notify Council of the appointment at the next City Council meeting under reports of Councilors.
  - B. Unless otherwise prohibited by the Council, the Mayor shall have the authority to create and appoint subcommittees of committees authorized by the Council.
  - C. Removals. All appointed persons may be removed by the Mayor.



# CHAPTER 8 – Ethics, Decorum, Council Conduct, and Outside Statements

- I. **Ethics.** All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:
  - A. Disclosing confidential information.
  - B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  - C. Expressing an opinion contrary to the official position of the Council without so saying.
  - D. Conducting themselves in a manner so as to bring discredit upon the government of the city.
  
- II. **Code of Conduct.** The City Council is committed to upholding the highest standards of ethical behavior, transparency and accountability while working amongst itself and with neighboring colleagues, City staff and the public. Towards that end, the Council has adopted a set of interpersonal standards, principles and expectations to promote a collaborative, respectful and healthy working relationship.\*
  - A. Integrity and Accountability
    - i. Always conduct oneself in a professional, courteous, and respectful manner.
    - ii. Never compromise your personal integrity or the honor and good faith of the City.
    - iii. Never allow conflicts of interest to arise between your public duties and your private interests.
    - iv. Make decisions on the basis of public policy and be consistent.
    - v. Vote Yes or No on motions. As a general practice, members of Council should exercise their vote and limit the instances of abstention on matters before the body. However, members of Council must abstain due to actual conflicts of interest as defined by the Oregon Revised Statute or if ex parte contacts impairs a members impartiality on a quasi-judicial land use matter.\*
  
  - B. Respect and Civility



- i. Listen attentively. Avoid interrupting. Be respectful, even with those you disagree.
- ii. Always be respectful of one another, the public, and city staff.
- iii. Be respectful of differences. Accept disagreements. Vote and move on.
- iv. Respect the letter and intent of the open meetings law.

C. Public Communication and Transparency

- i. Be open, honest and diplomatic when communicating.
- ii. Be friendly and deal effectively with news media. Make sure what you say is what you mean.
- iii. Avoid engaging in debates with the public or individual citizens.
- iv. Follow state law on communication between City Council members.

D. Professionalism

- i. Do not criticize in public. Issues should be addressed in private when possible.
- ii. Strive for consensus as an operating goal.
- iii. Do not personally criticize other Council members who vote against or disagree with you.
- iv. Respect and support decisions of the majority of Council.
- v. Do not spring surprises on colleagues and staff, especially at formal meetings – notify others of issues and concerns ahead of time.
- vi. Participate in official meetings with the dignity and decorum fitting of those who hold a position of public trust
- vii. Do not bypass the system. Stick to policy and avoid personal involvement in the day-to-day operations of the City.

**III. Decorum.**

- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the Council.
- B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
- C. Members of the city staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.

**IV. Statements to the Media and Other Organizations**



- A. Representing City. If a member of the Council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the Council.
  
- B. Personal Opinions. If a member of the Council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.



# CHAPTER 9 – INTERACTIONS WITH STAFF & CITY ATTORNEY

- I. **Staff.** All members of the Council shall respect the separation between the Council's role and the city's manager's responsibility by:
  - A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
  - B. Refraining from actions that would undermine the authority of the city manager or a department head.
  - C. Limiting individual inquiries and requests for information from staff 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.\*
    1. Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.



## CHAPTER 10 – CENSURE AND REMOVAL

- I. The Council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of Council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand.
- II. The Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b)



## CHAPTER 11 – AMENDMENT AND REPEAL

- I. **Amendment.** These rules of procedure are subject to amendment by the Council in accordance with the rules noted herein.
  - A. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
  - B. All amendments to these rules requires a majority vote.
  - C. Amended rules shall not go into effect until the meeting after the rule was approved.
- II. **Repeal.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.
  - A. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
  - B. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
  - C. Any repeal and replacement of these rules requires a majority vote.
  - D. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.



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