

COUNCIL RULES OF PROCEDURE
Talent, OR City Council

Section 1. Authority

- A. Pursuant to CHAPTER IV, Section 13 of the City Charter, the Council adopts the following rules to govern its meetings and proceedings. The Council intends these rules to provide guidelines for consideration of Council matters and to help preserve order during meetings. However, the validity of an act of the Council shall not be affected by inadvertent failure to observe these rules. These rules may be suspended only by a motion approved by a two-thirds vote of the Councilors present at the meeting.
- B. At or near the beginning of each calendar year, the Council shall review and consider possible changes to these rules.
- C. Section 7 of the City Charter identifies the offices of the six City Councilors collectively as the “Council” and does not include therein the office of the Mayor. Accordingly, in these rules the use of the term “Council” refers exclusively to the six Councilors.
- D. These meeting procedure rules are intended to apply to City Council, but not necessarily to the City’s appointed bodies, such as commissions, committees, and subcommittees. The City’s appointed bodies, and any subsidiary committees established to make recommendations to them, may adopt their own rules for conduct of their meetings, provided such rules have been approved by City ordinance or resolution. Except as otherwise provided in Council-approved meeting procedure rules, Robert’s Rules of Order shall govern the conduct of meetings of the City Council and each of its appointed bodies and any subsidiary committees established to make recommendations to them.
- E. The Mayor and Council members 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.

Section 2. Meetings of Council.

- A. Quorum Requirement. All meetings of the City Council shall comply with the Oregon State Public Meetings Law, which is hereby incorporated by reference into these rules. A quorum must be present in order to take any official action when members of the Council convene for a duly noticed meeting. A quorum consists of at least a majority of the Council members (which does not include the Mayor) who currently fill Council seats or whose terms of office begin at the first Council meeting of the calendar year following their election to fill Council seats. Any Councilor who is present counts towards the quorum requirement even if they¹ are not voting on a particular matter pursuant to voting rules herein. If a quorum is not present, the Recorder shall immediately provide notice to the absent Councilors, except those known to be unavoidably absent or detained, that their presence is required to enable Council

¹ The pronoun “they” as used throughout these rules is intended to indicate both the singular and plural meaning of the pronoun, as well as the masculine, feminine and gender-neutral meaning.

to transact any substantive official business. If a quorum is not established within a reasonable time after such notice has been issued, the Councilors present may not transact business, but they can address agenda items that do not require official action, such as allowing presentations by guests. Any decision reached without a quorum is null and void, except for a decision to take measures to establish a quorum, to take a recess, or to adjourn until a specific time or until the next regular meeting. If a quorum is established and then is later not maintained because a member or members of the Council have left the meeting, then only agenda items not requiring official action may be considered, after which the meeting must be adjourned.

- B. Regular Meetings. The City Council will meet in regular session on the first and third Wednesday of each month unless the Council cancels or reschedules the meeting. If a scheduled meeting falls on a legal holiday, the Council shall meet on Tuesday of that week, or, by a majority vote, reschedule to an alternate date, or cancel the meeting. Regular sessions will convene at 6:45 p.m. All regular sessions will be adjourned no later than 9:30 p.m. unless extended to 10:00 p.m. by a majority vote of the Councilors present at the meeting (which may include the Mayor's vote in the event of a tie). Unless otherwise required by statute or ordinance, notice of public meetings shall be given by posting the agenda for the meeting at City Hall, Town Hall and on the City website no later than 48 hours prior to the meeting time.
- C. Special Meetings. The City Manager, the Mayor, or three or more Councilors may call a special meeting of the City Council. The City Manager shall give notice of such a special meeting to all Council members and the Mayor and to the public no less than twenty-four hours in advance of the meeting. Public notice shall be given by posting notice at City Hall, at Town Hall and on the City website. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, no advance notice is required. No general legislation may be considered at a special meeting except that for which the meeting is called.
- D. Executive Sessions (meetings closed to the public).
 - (1) A governing body may hold a meeting consisting of only an executive session in accordance with the requirements of Oregon Public Meetings Law regarding public notice and specification of the statutory authority for the executive session. Also, the Presiding Officer may call any regular, special or emergency meeting for which public notice has been given into executive session by citing the specific provision of ORS 192.660 which authorizes the session.
 - (2) When Council enters executive session during a meeting, remote and in-person access to the session by staff members and members of the public will be suspended except for persons specifically invited by the Council to attend and participate in the session. Online participation in an executive session by any person, including the Mayor and any Councilor, is subject to their affirmation at the start of the session that to their knowledge no unauthorized persons will be able to see or hear the executive session proceedings. If Council returns to open session, staff and members of the public will be welcomed back

into Council chambers, and all remote access to the meeting will be resumed.

(3) No final decision shall be made by Council in executive session. To make a final decision on an issue discussed in executive session, the Presiding Officer shall either call the prior open Council meeting back into open session or place the issue to be decided on the agenda of a future open session. Executive sessions will generally be scheduled at the end of a Council meeting to encourage public participation on other agenda items.

(4) Except pursuant to applicable exceptions in Oregon Public Meetings Law, representatives of the news media shall be allowed to attend executive sessions. The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion held during executive session.

E. Study Sessions. Study sessions of the Council shall be held in accordance with Oregon Public Meetings Law, and shall be called by the Mayor, by the City Manager, or at the request of at least three Councilors. No votes or binding decisions can be made during study sessions. Study sessions will be held as needed.

F. Attendance by Mayor and Councilors. Councilors shall inform the City Manager, City Recorder, or Mayor if they are unable to attend any meeting in person and shall endeavor to provide such notice at least 48 hours in advance if possible. Additionally, the Mayor shall provide advance notice to the Council President, as well as the City Manager, if the Mayor are unable to attend any meeting in person.

(1) Remote Participation. Any Councilor or the Mayor may participate remotely by electronic communication device (for example, via telephone or web-based technology).

G. Attendance by Staff. Except as provided in Section 2D(2), the City Manager and City Recorder shall participate in person or by remote electronic communication in all City Council meetings unless excused. Except as provided in Section 2D(2), other City department heads may participate in person or via online video if they have a reliable online connection, camera, and microphone so that they can be clearly seen and heard if called upon.

H. Public Participation

1) Meetings Attendance Using Remote Electronic Communication. In all Council meetings other than executive sessions, members of the general public shall have the opportunity to the extent reasonably possible to access and attend by telephone or other electronic means of remote communication. In all Council meetings in which remote participation by one or more Council members occurs, a location shall be provided at which the public can at least listen to the oral discussion during the meeting through speakers or other devices. The location provided does not have to be the same location where the meeting is taking place.

2) Oral Public Testimony at Council Meetings

- a) **Right/Invitation.** The right to discuss agenda items before the Council is reserved exclusively for the Mayor, Councilors, the City Manager, the City Attorney and guests pre-invited by staff or Council members, except that members of the public shall have the right to present testimony during the Public Testimony portion of a regular Council business meeting's agenda and during public hearings. No public testimony shall occur at City Council study sessions except after Council approval of a motion to suspend the rules in recognition of special circumstances. If in-person oral testimony is allowed at a meeting, including a public hearing, oral testimony by telephone or other electronic means shall also be allowed to the extent reasonably possible.
 - b) **Speaking during Public Testimony.** An individual who wishes to speak in person or via an electronic communication device at a particular City Council meeting on a matter that is not the subject of a public hearing already on the agenda for that meeting may speak during Public Testimony if they have delivered to the City Recorder in person or via email a Speaker Request prior to commencement of the Public Testimony section of the meeting at which the person wishes to speak. After Public Testimony presentations by members of the public, follow-up questions or responses by the Mayor or Councilors shall be allowed only in unusual circumstances and after suspension of the rules.
 - c) **Speaking at a Scheduled Public Hearing.** In order to speak in person or via an electronic communication device during a public hearing held at a City Council meeting, a person not already scheduled to speak at a public hearing must deliver to the City Recorder in person or via email a Speaker Request before commencement of the public hearing at which the person wishes to speak. After conclusion of an individual's public hearing testimony, the Mayor or Councilors may ask brief clarifying or follow-up questions of that individual or of staff.
 - d) **Speaker Requests.** Speaker Requests may be submitted via email to publictestimony@cityoftalent.org or in person at meetings of the Talent City Council. To be complete, a Speaker Request must include the speaker's name, identify the city (or the unincorporated portion of a named county) in which they reside, and specify the matters they wish to address.
 - e) **Pictorial or Graphic Presentations.** An individual wishing to also provide pictorial or graphic information during Public Testimony or a public hearing must provide the visual information in PDF, JPG or PowerPoint format along with their completed Speaker Request prior to 4:00 p.m. on the day before the meeting at which they seek to make their presentation.
- 3) Outside Communications During a Public Meeting.** Items on the agenda of a public meeting may not be the subject of private telephone, text, email or social media communications with the Mayor or Councilors during the meeting. Likewise, Chat, Question and Answer (Q+A), and other interactive features will be disabled for the duration of Council meetings utilizing remote participation technology. If, however, a special meeting or public hearing is noticed in advance as one in which extensive

community engagement is the purpose, for example a “Town Hall” special meeting focused on a particular topic, held, the Mayor or City Manager may elect to enable Chat, Q+A or other interactive web-based features. If so enabled, the transcript from the Q+A and chat must be uploaded as part of the meeting record on the City website.

4) **Public Comment Guidelines.** The Talent City Charter makes the Presiding Officer, namely the Mayor or a Councilor serving as Presiding Officer in lieu of the Mayor pursuant to Section 4A below, responsible for preserving order and ensuring that Council rules and the following guidelines for persons at City of Talent public meetings are observed:

- a) No person shall be permitted to speak or present evidence until recognized by the Presiding Officer.
- b) Persons speaking at a Council meeting must
 - i) Address their comments to the Presiding Officer and the Council, without directly questioning Council members, City employees, or other persons in the audience;
 - ii) Comply with the reasonable guidelines set by the Presiding Officer for the purpose of preserving order, including abiding by the time limits set by the Presiding Officer; and
 - iii) If attending the meeting in person, sit or stand at the speaker table and use the microphones provided in order to facilitate effectual recording of the meeting.
- c) All oral or written presentations to Council must refrain from engaging in, or encouraging other to engage in, disorderly conduct in violation of ORS 166.025(1) or otherwise disrupting, interrupting, or delaying an ongoing Council meeting by
 - i) Making defamatory or derogatory statements about the personal characteristics, reputations, or motives of others;
 - ii) Using any profanity or vulgar words;
 - iii) Intimidating, threatening or bullying specific individuals;
 - iv) Promoting discrimination, prejudice, or violence against individuals or groups based on personal or group attributes subject to legal protections, such as those for race, ethnicity, gender, and religion; and
 - v) Applauding, cheering, singing, chanting, or displaying signs.
- d) The Presiding Officer may exclude from further participation for the rest of a current Council meeting any attendee who causes or induces disruption of the meeting or otherwise engages in conduct perceived to be contrary to the guidelines above, and any Council member may invoke a Point of Order seeking to prohibit such conduct.

5) **Written Communications, Generally.**

- a) Unsolicited communications to the Mayor and/or Councilors concerning matters on the agenda, other than public hearings, or any other City business issue shall be provided to the Council and be individually referenced in the minutes if the subject agenda item is clearly identified and if received by noon the day of the meeting via U.S. mail or email to official City email addresses or to publictestimony@cityoftalent.org .

- b) Unsolicited communications to the Mayor and/or Councilors concerning matters that are not clearly identified for inclusion under the agenda item intended for public comment shall be forwarded to the Mayor and/or Council but shall not be referenced in the minutes.
- c) Anonymous and unsigned Communications shall not be introduced in Council meetings or referenced in Council meeting minutes.
- d) The Mayor or any Councilor may request staff assistance through the City Manager's office to respond to a written communication. Any response utilizing staff time or City resources must represent Council policies or positions, and not those of individual Council members.

Section 3. Agenda Preparation and Revision.

- A. The City Manager shall prepare the agenda of the business to be presented at a regular Council meeting, special meeting, study session or executive session. The City Manager shall have the discretion to determine the timing of placement of an item on the agenda for an upcoming meeting after considering meeting and staff time constraints. No advance Council approval shall be required for an agenda of any meeting.
- B. The Mayor or prospective Presiding Officer shall have the opportunity to review and discuss with the City Manager the draft agenda for an upcoming meeting prior to distribution.
- C. Staff shall endeavor to distribute agendas and informational material for meetings to the Mayor and Councilors at least three (3) business days prior the subject meeting.
- D. The items on the agenda shall follow the formal order of business prescribed by these rules.
- E. 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 Presiding Officer shall announce such removal under Additions/Corrections to Agenda.
- F. Subject to Oregon Public Meetings Law, at the beginning of any meeting the City Manager, the Mayor, or any Councilmember may add or remove an agenda item by obtaining express approval from a majority of the Council present at the meeting,
- G. Members of the public may request that an item be placed on a Council agenda by bringing that request to the Council during the Public Testimony portion of a meeting. Council may then request to add the item to a future agenda during discussion of Other Business.
- H. Recommendations from Council-appointed commissions and committees for City actions or approvals shall be forwarded to the City Manager for decision or for placement on a Council meeting agenda for decision, as appropriate.

Section 4. Conduct of Business.

A. Presiding Officer.

- (1) The Mayor shall preside at all meetings of the Council or, in the absence of the Mayor, the Council President shall preside. The Council President shall be elected at the first meeting of each odd-numbered year.
- (2) In the absence of the Mayor and the Council President, any Councilor may call a meeting to order for the purpose of electing, by majority vote, a Councilor to serve as temporary Presiding Officer for the meeting. Should either the Mayor or the Council President subsequently arrive at the meeting, the temporary Presiding Officer shall relinquish control of the meeting immediately upon conclusion of the item then being discussed.
- (3) A Councilor serving as Presiding Officer in the Mayor's absence shall perform the duties of the Mayor and shall not be entitled to vote on any matter of City business unless the vote by the Councilors present at a meeting results in a tie. In the event of a tie, the person serving as Presiding Officer must resolve the tie and may not abstain.
- (4) In order to allow the Mayor or the Council President presiding at a meeting to take part in debate, or to allow a Council meeting to proceed despite their temporary absence, the Mayor or the Council President presiding at a meeting may appoint a temporary Presiding Officer. Such a temporary appointment shall not continue beyond the attainment of the purpose for which the temporary appointment is made and, in any case, shall not continue beyond the meeting at which the appointment occurs.

B. Agenda Protocol.

- (1) The Presiding Officer shall ask for a staff report on the agenda item, if applicable.
- (2) Once the staff report is completed, the Presiding Officer shall entertain Councilor questions or general discussion of reasons for or against current Council consideration of the subject matter of the agenda item (before a motion is made about that item).
- (3) The Council then may provide direction to staff regarding the agenda item, may vote on a motion a Councilor makes to take a specific action on the agenda item, or may take no action at the current meeting and move on to the next agenda item.
- (4) Call for Orders of the Day. By saying "I call for orders of the day," any Councilor may interrupt a speaker who has the floor to seek a ruling from the Presiding Officer that the order of the established agenda be followed. A Call for Orders of the Day does not require a second and is not amendable or debatable. Absent approval by a two-thirds vote of the Councilors present and voting on a subsequent motion to suspend the rules or to set aside the orders of the day, the Presiding Officer must rule that Council end discussion of whatever topic was then being addressed at the moment and consider instead the item then scheduled for discussion in the published agenda or revised agenda formally approved pursuant to Section 3 above or Section 4C below.

C. Regular Meeting Order of Business. The Presiding Officer shall move through the business of regular meetings in the following order of business, subject to the right of the Presiding Officer or the City Manager, with Council consent, to alter the order of business for purposes of improving the flow of a meeting or accommodating special presentations by consultants or other guests specified in the published agenda or revised agenda formally approved pursuant to Section 3F above or Section 4C(2) below.

- (1) Call to Order/Roll Call.
- (2) Additions/Corrections to Agenda & Recusals
- (3) Recognitions, Proclamations, Community Announcements.
- (4) Public Testimony. The purpose of this item is to allow persons who meet the requirements of Section 2H herein to address the Council on any matter related to city government. Speakers may address the Council for up to five minutes, unless the Presiding Officer allocates less time in order to accommodate as many speaker requests as possible. The maximum time allotted for this agenda category at a regular Council meeting is 30 minutes. Speakers' comments shall not exceed their allotted time limitations unless the Council votes to suspend the rules. When a matter raised in the Public Testimony section of a particular meeting's agenda is not already scheduled to be addressed later in that same meeting, the matter can be added to the agenda of a future meeting by agreement of the Council or can be taken up in the Other Business section of the current meeting's agenda pursuant to a successful motion to suspend the rules for that purpose.
- (5) Special Presentations. Scheduled presentations, for example by invited guests, are limited to fifteen minutes unless the presentation is by City staff or prior arrangements with the Presiding Officer or City Manager have been made.
- (6) City Manager and Department Reports. Informational items for Council awareness from the City Manager and Department Heads.
- (7) Public Hearings. All public hearings shall be subject to the notice requirements specified in City ordinance and/or state law. In the absence of any local or state requirements, a Notice of Public Hearing shall be published in a local newspaper at least seven days prior to the hearing. A copy of the Notice of Public Hearing shall also be posted at City Hall and on the City website at least seven days prior to the hearing. The purpose of public hearings is to: 1) provide input to the Council in the form of information and opinions from affected parties and members of the public; and 2) provide an opportunity for residents to be involved in municipal affairs. Public hearings may be continued to another meeting date as long as specified notice requirements are met.
- (8) Appointments. Council approvals of appointments of individuals to City commissions, committees, or ad hoc bodies or as formal representatives to non-City agencies such as the Rogue Valley Council of Governments Board, Rogue Valley Metropolitan Planning

Organization, and the Rogue Valley Area Commission on Transportation. (Other external liaison assignments to regional bodies are volunteer assignments coordinated by the Mayor.)

- (9) Consent Calendar. The consent calendar includes routine or non-controversial items that can be considered as a single action without discussion or debate, except for simple questions of clarification. Any member of the Council who does not wish to have an item considered under a single action without debate may ask to have that item removed from the Consent Calendar and taken up immediately after voting on the rest of the consent calendar or taken up as an individual item under New Business.
- (10) Unfinished Business. Items that were taken up at a previous meeting and not concluded will be heard under Unfinished Business. Unfinished business items will be heard at the next regularly scheduled Council meeting, unless the Council approves a motion to have an unfinished business item continued to a different date. Action on unfinished business will resume at the point at which the agenda item was being considered before the previous meeting was adjourned.
- (11) New Business. Items requiring a vote of the Council including resolutions, ordinances, budget matters, discussion of proposed policy changes or proposed projects, or any other business appropriate for Council discussion.
- (12) Committee Reports. Reports by Council members on the activities of City commissions or committees for which a Council member has been designated as the Council liaison or ex officio member or reports from non-city agencies or organizations to which the Council member has been appointed as the City representative.
- (13) Other Business. Items from the Mayor or Council, and items for future agendas. When time allows, even relatively minor actions, such as approval of a City endorsement or letter of support, will be scheduled for action on a future agenda.
- (14) Adjournment.

The Council agenda format will be substantively similar to the attached sample (Exhibit A-Regular Meeting Agenda Template). Items listed in italics are intended to be read aloud by the Presiding Officer to assist City Council and staff comply with these rules and Oregon Public Meeting Law requirements.

D. Motion Procedure

- (1) No motion or other proposed action shall be received when a prior motion or question is under debate, except for the following:
 - a. Call for Orders of the Day;
 - b. Point of Order;
 - c. Point of Information or Parliamentary Inquiry
 - d. Motion to Suspend the Rules;
 - e. Motion to Lay the Matter on the Table;

- f. Call for the Previous Question;
 - g. Motion to Postpone;
 - h. Motion to Refer; or
 - i. Motion to Amend.
- (2) If a motion does not receive a second, it dies, and the Council then moves to a subsequent motion or to the next agenda item.
- (3) When a motion is made and seconded, it shall be restated by the Presiding Officer prior to debate.
- (4) Once a motion is made and seconded, it may not be withdrawn without the consent of the Councilor who seconded it.
- (5) Any Councilor may speak for or against a motion only after being recognized by the Presiding Office. Generally, the Councilor who made the motion shall be given the first opportunity to speak during debate on the motion. Remarks made during debate shall be concise and focused on the motion being debated, in order to give all Councilors the same opportunity to participate in debate during the regular meeting time. No Councilor shall be allowed to speak more than once on a motion until every other Councilor has had an opportunity to do so.
- (6) Amending the Main Motion. A motion to amend the main motion can be made at any time during discussion of the main motion. The motion to amend must be seconded to be in order for debate on it to begin. Once the motion to amend is made and seconded, debate is carried out in the manner prescribed in this section. A motion to amend must be decided before the debate on the main motion can continue. If the motion to amend is approved, the debate returns to the main motion as amended. If the motion to amend is defeated, the debate returns to the main motion. No amendments may be made to a motion to amend.
- (7) Motion to Limit Debate or Motion for the Previous Question. A motion to set a time limit on debate or a procedural motion for the previous question (to end debate on a previously-made substantive motion and go immediately to a vote on it) is a procedural motion that may be made any time during deliberations but may not be made while another speaker has the floor. Once a member has been recognized and such a procedural motion has been made and seconded, it is immediately in order and supersedes any further discussion on the substantive motion on the floor, except that the City Manager and any Councilor who has not already addressed the substantive motion on the floor shall first be given the opportunity to do so. A motion to set time limits on the debate or to move the previous question is not debatable and must be approved by a two-thirds vote of the members present and voting.
- (8) Motion to Reconsider. A motion to reconsider the vote on a previous motion may be made during Other Business, but only by a Councilor who voted on the prevailing side. The motion may be taken up immediately if no other business is pending or may be postponed to a later time or meeting by the order of the Presiding Officer. A motion to

reconsider a previous vote requires a second, is subject to debate, and must be approved by a majority of those present and voting. The purpose of reconsideration is to permit correction of hasty, ill-advised, or erroneous action, or to consider new information or changed circumstances that have arisen since the original vote.

- (9) Motion to Suspend the Rules. A motion to suspend the rules is used to take up an item of business out of regular agenda order, or to set aside a standing procedural rule other than one established by City ordinance, City Charter, or state law. The motion must specify the action proposed to be accomplished by the suspension, must be seconded, and is not debatable or amendable. The motion must be approved by a two-thirds vote of the members present and voting. If approved, the suspension may not be in effect any longer than the time necessary to accomplish the proposed action specified in the motion. A motion to suspend the rules cannot be made to suspend rules provided by City ordinance or state law, or to contravene provisions of the City Charter.
- (10) Point of Order. Any Councilor or the Presiding Officer may interrupt a speaker who has the floor to raise a Point of Order at any time they believe that a violation of the Council Rules has occurred. A Point of Order must be made at the time a breach of the rules occurs and is not intended for minor infractions of the rules or for dilatory purposes. A Councilor making the Point of Order must address it to the Presiding Officer and be recognized by the Presiding Officer prior to stating the Point of Order. A second is not needed. Once the Point of Order has been stated, the Presiding Officer must rule on the Point of Order as stated without allowing debate on it. Before making a decision, however, the Presiding Officer may seek advice from the City Attorney or submit to the Council the decision on upholding or denying the Point of Order by a majority of those present and voting, excluding the Presiding Officer. A ruling by the Presiding Officer on a Point of Order is subject to the right of any Councilor to appeal the decision to the full Council. A motion to appeal the Presiding Officer's ruling on a Point of Order requires a second, is debatable, and fails absent a majority of votes. The Presiding Officer cannot vote on appeal of the Presiding Officer's ruling.
- (11) Request for Information. Any member of the Council, including the Presiding Officer, may interrupt a speaker who has the floor to seek permission to request information from a fellow Councilor, the Mayor, a staff member, an invited speaker, or a person speaking during the Public Testimony portion of a meeting, speaking in a public hearing, or speaking on an agenda item. The person speaking at the time of a Request for Information must discontinue speaking until disposition of the request. The request must be addressed to the Presiding Officer; must concern the topic under discussion; and must not include arguments or statements of fact (unless necessary to clarify the request). A second is not needed. Once the Request for Information has been stated, the Presiding Officer must uphold or deny it without allowing debate on it. The Presiding Officer's ruling on a Request for Information, as well as overuse or inappropriate use of the interjection may be challenged by a Point of Order.
- (12) Special Rules for Land Use Matters. The procedures for the conduct of Quasi-Judicial Hearings and Hearings on Legislative Actions involving land use issues shall be governed by applicable city ordinance and/or state law. Prior to the commencement of

one of the above-described proceedings, the City Manager shall provide the Presiding Officer with instructions setting forth the procedures to be followed. The Presiding Officer shall read the procedures into the record at the start of the hearing, and the hearing process will be governed by those procedures.

Section 5. Voting.

- A. Requirements. The affirmative vote of a majority of those present and voting at a meeting is required to approve any motion before the Council. Each Councilor present must vote on all motions unless they have an actual conflict of interest that would disqualify the member from voting, or if the Council agrees to suspend this rule for a particular vote. If a member of the Council has an actual conflict of interest, that conflict must be stated under order of business item number (2) Additions/Corrections to Agenda & Recusals or at the start of an agenda item, and the member must then refrain from participating in the agenda item or voting on any motions pertaining to the agenda item.
- B. Roll Call Vote. Voting on a matter shall occur by roll call.
- C. Presiding Officer. The Presiding Officer (the Mayor or a Councilor serving as Presiding Officer) shall not vote on any matter of City business except in the case of a tie vote, in which case the Presiding Officer is required to vote and shall not abstain unless the vote is on an appeal of a decision by the Presiding Officer or unless they have an actual conflict of interest that would disqualify them from voting.
- D. Record of Votes. The ayes and nays of each Council member shall be recorded and entered in the minutes.

Section 6. Minutes.

- A. Written minutes of all open regular and special meetings shall be prepared by the City Recorder or their designee. Staff shall endeavor to present minutes for approval by the Council at the next regular meeting or the meeting thereafter and shall make meeting minutes available for public inspection and post them on the City website once approved by the City Council and subsequently signed by the City Recorder or designee responsible for documenting the approval decision. In addition, all City Council meetings shall be digitally-recorded, and the recordings shall be kept pursuant to state law and City retention policy.
- B. Written minutes shall include the rollcall of the meeting, and the exact wording of all motions, resolutions, orders, ordinances, and measures proposed. Minutes shall also state the actual results of all votes taken. In addition, the minutes should record the substance of the discussion on any matter before the Council, as well as references to any documents discussed.

Section 7. Mayor and Council Member Conduct.

- A. Decorum.

- (1) The duties of the Presiding Officer at any public meeting shall include preserving order and ensuring that Council Rules of Procedure are followed by Councilors and all Council meeting attendees.
- (2) The Mayor and Councilors shall conduct themselves so as to bring credit to the government of the City by respecting the rule of law, ensuring nondiscriminatory performance of public services, endeavoring to be adequately informed on matters for Council consideration, and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.
- (3) Discourse in any public meeting shall be pertinent to the matter under discussion.
- (4) Discourse in any public meeting shall avoid defamatory or derogatory statements about the personal characteristics, reputation, or motives of others.
- (5) The Mayor and Councilors shall not engage in advocacy during a Council meeting for or against a candidate, organization, or measure for which approval exclusively by City of Talent voters is being sought in an impending public election.
- (6) Neither the Mayor nor any Councilors shall engage in, or encourage others to engage in disruptive conduct, including applauding, cheering, singing, chanting, displaying signs and other distractive actions.
- (7) The Mayor or any Councilor may invoke a Point of Order to challenge conduct perceived to be contrary to Council Rules.

B. Ethics. The Mayor and Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. If the Mayor or any Councilor has an actual conflict of interest on a matter, the conflict shall be disclosed at the outset of any agenda item on that matter, and the person making the disclosure shall refrain from participating in any discussion or voting on the matter. If the Mayor or any Councilor has a potential conflict of interest on a matter, the conflict shall be disclosed at the outset of any agenda item on that matter, but the person making the disclosure may participate in any discussion and votes on the matter. It is up to the individuals who could possibly vote on a Council matter to make personal determinations regarding conflicts of interest.

In addition to matters of financial interest, The Mayor and 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) Violating any 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 City employment of relatives;
- (7) Taking actions benefiting special interest groups at the expense of the city as a whole;
and
- (8) Expressing in a Testimony available to the public a position that is contrary to the official position of the Council without so stating.

C. Use of Electronic Devices.

- (1) All phones and other electronic devices shall be kept on silent or in vibrate mode during Council meetings.
- (2) In keeping with the intent of the state's open meetings law, the use of electronic communications devices during Council meetings shall be limited and shall otherwise comply with all rules and laws applicable to proceedings before the Council or communications outside Council meetings.
- (3) Any electronic communication received by the Mayor or a Councilor concerning a quasi-judicial matter before or during Council consideration of the matter is an *ex-parte* contact and shall be disclosed, as required by law.
- (4) This rule does not prohibit the use of computers or other devices on the dais for viewing the Council meeting agenda and agenda packet during Council meetings. This rule also does not limit the use of electronic communication devices outside of public meetings. However, all electronic communications pertaining to city business both sent and received by members of the Council are subject to, and must comply with, the rules and laws applicable to public records.
- (5) As used in this section, "electronic communication devices" means laptop computers, smart phones, cell phones, or other similar devices capable of transmitting or receiving information or messages electronically.
- (6) As used in this section, "electronic communications" means phone conversations, e-mails, text messages, social media postings, or other forms of communication concerning City business transmitted or received by technological means.

D. Confidentiality.

- (1) The Mayor and Councilors shall maintain the confidentiality of all confidential information provided to them, whether written or oral. No reference to, or discussion of, any confidential information shall occur beyond other Council members, the City

Manager or City Attorney.

- (2) When the Council, in executive session, provides direction or consensus to staff on proposed contract terms and conditions, or related to negotiations regarding property acquisition or disposal, or pending or likely legal claims or litigation, or employee negotiations, then all contact with negotiating parties shall be made only by designated staff or other representatives handling the negotiations or litigation. Neither the Mayor nor Council member shall have any contact or discussion with any other negotiating party or its representative regarding any executive session discussion.
- (3) Although Oregon state law requires that the media be allowed to attend executive sessions except those concerning labor negotiations, Neither the Mayor nor any Councilor shall engage in discussion with the media outside the executive session on the topic of that session. If discussion of a confidential topic were to continue after adjournment of the executive session, media representatives would no longer be bound by confidentiality requirements.
- (4) The Mayor and Councilors are bound by the confidentiality rules pertaining to executive sessions even after they no longer serve as public officials.
- (5) The Council, by resolution, may censure a member who discloses a confidential matter.

E. Interactions with Staff and City Attorney.

- (1) Staff. The Mayor and Councilors shall respect the separation between their policy-making role and the City Manager's administrative role 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 department heads.
 - 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. Requests for assistance or information of a more complex nature be made through the City Manager's office.
 - i. Questions from the Mayor or Councilors requiring significant time or resources (two hours or more) shall normally require approval of the Council.
 - ii. The City Manager or any other member of City staff shall provide to the full Council and Mayor any information about City business they have provided to any Councilor or to the Mayor. This provision, however, is not intended to apply to responses to questions from the Mayor or Councilors acting in their individual capacities rather than as City officials or to questions regarding conflicts of interest, meeting procedures, or similar issues particular to individual City officials.

- (2) City Attorney.

- a. The City Attorney represents the City of Talent acting through its duly elected governing board, the City Council. The City Attorney is not the personal attorney of the Mayor or any individual Councilor and is not authorized to provide legal advice concerning City matters to other members of the public.
- b. Requests to the City Attorney for legal advice may be made by the Mayor or any member of the Council during a Council meeting, as long as the request is relevant to the matter of City business under Council discussion. If the City Attorney is not present at the Council meeting, such a request may be conveyed to the City Attorney through the auspices of the City Manager. Both the advice requested and the resulting legal advice shall be made available to the entire Council at the first regular Council meeting following receipt of the legal advice.
- c. The City Manager and the Mayor may consult the City Attorney on any matter of City business at any time.
- d. In addition, communication with the City Attorney by the Mayor or individual Councilors is authorized and appropriate regarding questions about legal duties and responsibilities of City officials. Such issues could include questions about meeting procedures, possible conflicts of interest, or similar issues particular to individual City officials.

(3) If possible, after receiving agenda packets, the Mayor or Council members with questions or concerns they would like to have addressed at an upcoming meeting should so advise the City Manager in advance of the meeting.

F. Training. Pursuant to ORS 192.700, the Mayor and each Councilor must attend or view at least once during their term Oregon Government Ethics Commission training on the requirements of ORS 192.610 to 192.705 (Open Meetings) and best practices to enhance compliance with those requirements. In addition, the Mayor and each Councilor shall be encouraged to attend or view at least one complete training session per term on open meetings, public records, and ethics requirements for Oregon public officials.

G. Ensuring Compliance with Rules of Conduct.

- (1) Pursuant to Section 21 of the City of Talent Charter, the Council may authorize an independent confidential investigation to produce a preliminary finding as to whether any member of the Council has failed to attend to duties or undermined the Council by failing to comply with the City Charter, City ordinances, these rules, or state laws applicable to governing bodies. The Council may then meet in executive session under ORS 192.660(2)(b) to discuss the sufficiency and possible consequences of any such finding. Sufficient notice must be given to the affected individual to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).
- (2) In open meeting after conclusion of an executive session described in Section 7G(1) above, the Council has the power under Charter Section 21 to decide whether reasonable grounds exist to discipline a Council member and, if so, whether to issue a public reprimand of the member. The making of any such finding and exercise of any such

enforcement power requires a two-thirds affirmative vote of the entire Council.

Section 8. Media, Social Media, and Public Testimony Guidelines for City of Talent Public Officials, Including Staff

- A. A City of Talent public official is expected to refrain from expressing in a public Testimony or on publicly available media a personal position contrary to the Council’s official position (if there is one) without making clear they are voicing their own individual views. City of Talent public officials may engage in advocacy for or against a local, county, state, or federal candidate, or measure organization if (1) they have formal Council approval to do so, or (2) they expressly disclose they do so in their capacity as a private individual and not as a public official.
- B. Any City official’s social media site content that is related to City business, including communication between and individual elected officials and constituents, or the general public, or a site’s listing of “friends” or “followers” may well be considered a public record subject to disclosure pursuant to the Oregon Public Records Act or to a subpoena in a lawsuit.
- C. If a City official invites public comment on City business, disseminates official City information, or uses their official City title on a social media site subject to the official’s control, the social media site may be deemed to constitute a public Testimony, and the official may be legally precluded from engaging in viewpoint discrimination, blocking users, or even deleting comments just because of the content or source of the comments.
- D. Communication between elected City officials via social media or email, may constitute a “meeting” under the Open Public Meetings Act if it involves discussion of public business subject to open meetings laws. For this reason, the Mayor and Councilors are discouraged from commenting or posting on each other’s email messages or social media pages.
- E. The Mayor is the primary spokesperson for the City of Talent and is the City official authorized to present to media representatives or members of the public the officially-approved positions of the City. Upon request, the City Manager or department heads may provide objective factual information to media representatives or the public. Any public expression of personal opinions by City of Talent elected or appointed officials about City matters is to be clearly identified as such.



TALENT CITY COUNCIL

REGULAR MEETING AGENDA

Month XX, 20XX - 6:45 PM
Talent Community Center, Dining Room
104 E. Main Street, Talent, Oregon



All Council meetings are digitally recorded and will be available on the City website at www.cityoftalent.org. The meeting location is accessible to residents with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 6.

1. Call to Order / Roll Call

*Staff please call roll.
Meeting is called to order at X:XX.*

2. Additions / Corrections to Agenda – Council Recusals

*Are there any requests for changes to the agenda?
Are there any Council recusals or declarations for the record?*

3. Recognitions, Proclamations, & Community Announcements

4. Public Testimony

*Has staff received any speaker requests?
[if needed] Public Testimony is limited to X minutes. Please state your name and city of residence.*

5. Special Presentations

6. City Manager & Department Reports

7. Public Hearings

8. Appointments

9. Consent Calendar

Are there any items a member of Council requests to be removed from the Consent agenda for discussion?

10. Unfinished Business

11. New Business

12. Commission / Committee Reports

13. Other Business and Future Agenda Items

14. Adjournment- Meeting is adjourned at X:XX.