



**TALENT CITY COUNCIL
STUDY SESSION AGENDA**

- HELD AT TOWN HALL & VIA ZOOM-

206 E. Main Street

March 6th, 2023 - 5:30 PM

To attend to the meeting via Zoom, please visit the City's website at www.cityoftalent.org for the link information.

All Council meetings are digitally recorded and will be available on the City website: www.cityoftalent.org. The meeting location is accessible to persons 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, x1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

- 1. Call to Order / Roll Call**
- 2. Discussion on Council Rules of Procedure**
- 3. Adjournment**



City Council Staff Report

Meeting Date: March 6, 2024
Department: Legal
Staff Recommendation: Study

Staff Contact: Dave Lohman
E-Mail: dlohman@cityoftalent.org
Estimated Time: 60 mins.

ISSUE BEFORE THE COUNCIL

What provisions in the existing Council Rules of Procedure does Council wish to update, if any?

BACKGROUND

I was asked to revise City Council rules to strengthen the Council's ability to preserve decorum at Council meetings. In thinking through decorum guidelines, I reviewed state Open Meetings Law, other jurisdictions' council rules both within and beyond the Rogue Valley, as well as the League of Oregon Cities' Model Council Rules, and took into account Oregon Court rulings addressing the appropriate balance among the imperatives of robust, diversified community dialogue, civility, and disruption-free meetings.

In reviewing the Council Rules, updates to some other provisions also seemed warranted, and putting some existing provisions in more logical groupings seemed appropriate.

Overall, these are the guiding principles used in drafting the proposed Council Rules revision:

- Make substantive changes only when there are good reasons to do so, incorporating concepts and phrases from other jurisdictions as long as they seem cogent and suitable for Talent;
- Update any out-of-date provisions;
- Make format, consolidation, and sequence changes when suggested by logic and comprehensibility (per my admittedly subjective judgment);
- Provide more specific, actionable rules on testimony and arguably-disruptive conduct at meetings;
- Make legal advice a bit easier for Council members to get (now that the City Attorney is on retainer, as opposed to hourly compensation);
- Provide a measure of guidance for City officials using social media;
- Use MS Word sidebar comments to highlight and briefly explain changes from the current Council Rules;

Sections 2H and 7A are the proposed major new provisions concerning decorum.

Please note also the usefulness of a Point of Order (Section 4D(10)) in preserving decorum. In response to inappropriate meeting conduct (Section 2H), the Presiding Officer can make a Point of Order ("I make a Point of Order that") and refer the Point of Order to the Council for a vote on whether to affirm the objection stated in the Point of order ("Those of the opinion that the Point of Order is well-taken, signify by voting 'aye'").

Unless the Council prefers otherwise, at the March 6, 2024 Study Session, I'm planning to start by asking for comments on page 1 and proceeding page-by-page in order thereafter. If, as seems likely, discussion of the proposed changes takes more than one study session, we can pick up in a subsequent

study session wherever we end at Wednesday's meeting.

RELATED COUNCIL POLICIES

None

POTENTIAL MOTIONS

None

ATTACHMENTS

None

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.
- B. Chapter III 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 elected Councilors.
- C. Unless otherwise provided by charter, ordinance, or these rules, the procedures for Council meetings, and any subcommittee of the City Council or any committee or commission established by the City Council, shall be guided by the most recent edition of Robert’s Rules of Order. Whenever these rules and Robert’s Rules of Order conflict, these rules shall govern.
- D. 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 four current Councilors. 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 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 hearing 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,

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.

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 by a majority vote of the Councilors present at the meeting (which may include the Mayor's vote in the event of a tie) , but in no event later than 10:00 p.m. 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.
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D. Executive Sessions (meetings closed to the public).

- (1) An executive session may be held in accordance with the Oregon Public Meetings Law. The Presiding Officer may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660, which authorizes the session.
- (2) When Council enters executive session, the feed for any remote participation in the meeting will be muted, video will be turned off, and members of the public who are present in person will be required to leave Council chambers for the duration of the executive session. Upon return to open session, members of the public will be welcomed back into Council chambers, the remote feed will be un-muted, and the video will be turned back on.
- (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. The Presiding Officer shall determine whether the public is to be allowed to participate in discussions at a study session. Study sessions will be held as needed, with a

preference for the fifth Wednesday of the month, or at other times in coordination with the City Manager.

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 they 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) up to five times per calendar year, or more than five times upon Council approval of a motion to suspend the rules in recognition of special circumstances.

G. Attendance by Staff. The City Manager and City Recorder shall participate in-person for all City Council meetings. Other staff members may participate by remote electronic communication if they have a reliable internet 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 Comment 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 public hearings when required by law and during the Non-Agenda Item portion of a regular Council business meeting's agenda. At regular Council business meetings, follow-up questions or responses by the Mayor or Councilors after presentations by members of the public shall be allowed only in unusual circumstances and after suspension of the rules.

b. Requests in Advance.

i. An Individual who wishes to speak in person or via an electronic communication device during a City Council meeting or public hearing may seek an opportunity to do so in advance of the meeting by sending to publictestimony@cityoftalent.org before 4 p.m. on the day of the Council meeting an email which provides the speaker's name, the city (or the unincorporated portion of a named county) in which they reside, and the agenda

item or other matters they wish to address. At the Presiding Officer's discretion, such requests will be honored if time permits. If in-person oral testimony is allowed at a meeting, oral testimony by telephone or other electronic means shall also be allowed to the extent reasonably possible. An individual wishing to also provide visual information at a public meeting must provide the visual information along with their request to speak at the meeting. Such visual testimony must be provided in PDF, JPG or PowerPoint format and must be received prior to 4:00 p.m. on the day of the public meeting.

- ii. A person who has not requested in advance an opportunity to speak at a meeting and instead seeks such an opportunity during a meeting in progress, may fill out a Speaker Request form and deliver it to the City Recorder in-person or by electronic means before or during Council consideration of the agenda item on which the person wishes to speak. The Request form must include the Speaker's name, identify the city (or the unincorporated portion of a named county) in which they reside, and specify the agenda item or other matters they wish to address. At the Presiding Officer's discretion, such requests will be honored if time permits.
- iii. The Presiding Officer, at their discretion, may invite in-person attendees who have not previously submitted a Speaker Request form to address the Council in person or via electronic means after previously-registered speakers on the subject agenda item have made their comments.

(3) 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 in-person to the Council must sit or stand at the speaker table and use the microphones provided in order to facilitate effectual recording of the meeting.
- c. All comments must
 - i. Be addressed to the Presiding Officer and the Council;
 - ii. Be pertinent to the matter under Council discussion;
 - iii. Be constructive and respectful; and
 - iv. Comply with the time limits set by the Presiding Officer.
- d. No member of the general public attending a Council meeting shall
 - i. Engage in or encourage others to engage in disorderly conduct in violation of ORS166.025(1) or otherwise disrupt, interrupt, or delay the meeting through making defamatory or derogatory statements about the personal characteristics, reputations, or motives of others; using loud or distracting profane language; applauding; cheering; displaying signs; or refusing to obey a reasonable order of the Presiding Officer intended to preserve order.

- ii. Directly question or interrogate Council members, City employees, or other persons in the audience;
 - e. The Presiding Officer may exclude from further participation in an ongoing 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.
- (4) Chat, Question and Answer(Q+A), and other interactive features will be disabled for Council meetings utilizing remote participation technology. If, however, a special meeting is held, such as a session, where a higher-level of community engagement is anticipated, 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, and video of the meeting will also be part of the official record.
- (5) Written Communications, Generally.
- a. Persons who wish to communicate with the Mayor, Councilors, or the City Manager on matters of Council interest through written communications outside of Council meetings may submit comments to the Mayor, to the full Council, to individual Council members, or to the City Manager using the utility payment drop box, U.S. mail. or email addressed to their official City email address or to publictestimony@cityoftalent.org with an appropriate subject line. All such written communications become part of the public record.
 - b. 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.
- (6) Written Communications for Inclusion at a Public Meeting
- a. As an alternative to speaking at a public meeting, one may submit written comments to the Council using the utility payment drop box, U.S. mail. or email addressed to publictestimony@cityoftalent.org with the subject line “Public Comment on Non-Agenda Items” or “Agenda Item [item number]” by 10:00 a.m. on the Monday prior to the meeting. Written comment or testimony received by this deadline will be available for Council members to review before the meeting and will be included in the meeting record,
 - b. Written comments sent to the Mayor, Councilors, or City Manager may be included under Written Communications in the Council agenda packet for a particular meeting if so requested by the sender in advance of distribution of the packet. Such written communications will not be read aloud at a meeting or will not necessarily be discussed by the Council.

Section 3. Agenda Preparation and Revision.

- A. The Mayor or a Councilor who wishes to have an item placed on the agenda for an upcoming meeting shall so advise the City Manager at least one week prior to the meeting.
- B. 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.
- C. 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.
- D. Agendas and informational material for meetings shall be distributed to the Mayor and Councilors at least three (3) days prior the subject meeting.
- E. The items on the agenda shall follow the formal order of business prescribed by these rules.
- F. 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 announcements proclamations.
- G. 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,
- H. Members of the public may request that an item be placed on an agenda by bringing that request first to the Council during the Non-Agenda Item portion of a meeting. Council may then request to add the item to a future agenda during discussion of Other Business.
- I. Recommendations from Council-appointed commissions and committees for City actions or approvals shall be forwarded to the City Manager for decision by the City Manager or for placement on a Council meeting agenda.

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 presently being

discussed.

- (3) A Councilor serving as Presiding Officer in the Mayor's absence shall perform the duties of the Mayor, but shall retain all rights and privileges of a Councilor while serving as Presiding Officer, except the right to vote on appeal of a decision they made while so serving.
- (4) The Presiding Officer may appoint a temporary Presiding Officer to preside over the meeting in order to take part in debate, to make a motion, or to cover a temporary absence. Such a temporary appointment shall not continue beyond the meeting during which the appointment occurs.

B. Agenda Protocol.

- (1) Once an agenda item has been announced, the Presiding Officer shall ask for any recusals on the agenda item.
- (2) The Presiding Officer shall then ask for a staff report on the agenda item, if applicable.
- (3) 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).
- (4) Once the Council question and general discussion period about the agenda item is complete, the Presiding Officer may invite any speakers who have requested an opportunity to address the Council on that item, as provided in Section 2H(2) above.
- (5) 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 and move on to the next agenda item.
- (6) 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 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 3G 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 presentations by consultants or other special appearances:

- (1) Call to Order/Roll Call.
- (2) Community Announcements.
- (3) **Speakers Heard on Non-Agenda Items.** The purpose of this item is to allow persons who meet the requirements of Section 2H(2) herein to address the Council on matters that are related to city government and that are properly the subject of Council consideration. Speakers may address the Council for up to five minutes, unless the Presiding Officer, prior to the Non-Agenda Item period, decides to allocate less time. Speakers' comments shall not exceed the established time limitation unless the Council votes to suspend the rules. The Council shall act on issues raised during the Non-Agenda Item portion of the agenda except that during the Other Business portion of the meeting, an issue raised during the Non-Agenda Item portion of a meeting can be added to a future agenda by agreement of the Council or can be taken up immediately pursuant to a successful motion to suspend the rules for that purpose.
- (4) **Public Presentations.** Presentations are limited to fifteen minutes unless prior arrangements with the Presiding Officer or City Manager have been made.
- (5) **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.
- (6) **Appointments.** Council approvals of appointments of individuals to City commissions, committees, or ad hoc bodies or to non-City agencies or organizations as City representatives.
- (7) **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.
- (8) **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.

- (9) 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.
- (10) City Manager and Other Department Reports. Informational items from the City Manager and Department Heads. City Manager reports will generally take place on the first meeting of each month, and Department Head reports will generally take place the second meeting of the month.
- (11) 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.
- (12) Other Business. Items from the Mayor or Council, and items for future agendas.
- (13) Adjournment.

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. A Call for Orders of the Day;
 - b. A Point of Order;
 - c. A Motion to Suspend the Rules;
 - d. A Motion to Lay the Matter on the Table;
 - e. A Call for the Previous Question;
 - f. A Motion to Postpone;
 - g. A Motion to Refer; or
 - h. A Motion to Amend.
- (2) If a motion does not receive a second, it dies, and the Council then moves 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 wishing to speak for or against a motion must be recognized by the Presiding Officer before speaking to the motion. Generally, the Councilor who made the motion shall be given the first opportunity to speak during the debate. 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 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 Move the Previous Question. A motion to set a time limit on debate or to move the previous question (end debate altogether and go immediately to a vote) may be made any time during deliberations. Once a member has been recognized and the motion is made and seconded, it is immediately in order and supersedes any further discussion on the motion on the floor. 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. Neither motion may be made while another speaker has the floor.
- (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 primarily to take up an item of business out of regular agenda order, or to set aside a standing procedural rule. The motion must be seconded, is not debatable or amendable, and requires approval by a majority of those present and voting. A motion to suspend the rules cannot be made to suspend rules provided by City ordinance, 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 reasons. 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 Non-Agenda Item 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 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 if required by Charter or ordinance or if requested any Council member.
- C. Presiding Officer. A Presiding Officer may not vote on appeals from decisions they have made while acting as Presiding Officer. The Council President or a Councilor serving as Presiding Officer may vote on all other motions, unless they have an actual conflict of interest that would disqualify them from voting. The Mayor shall not vote on any matter of City business except in the case of a tie vote, in which case the Mayor is required to vote and shall not abstain unless the vote is on an appeal of a decision by the Mayor or unless they have an actual conflict of interest that would disqualify them from voting.
- D. Record of Votes. Unless the vote is unanimous, 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. Minutes shall be approved by the Council at the next regular meeting or the meeting thereafter and shall be made available for public inspection and posted on the City website once approved. The City Recorder or the person taking the minutes shall sign the minutes after they have been approved by the City Council. All 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 unless the vote is unanimous. 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. 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 Order are followed by Councilors and all other 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 voter approval 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, 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 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 forum 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 regarding a quasi-judicial matter to be considered by the Council 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 e-mails, text messages, social media postings, or other forms of communication 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. No 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 on 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 individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
 - ii. The Mayor and members of the Council shall normally share with the entire Council information obtained from staff about City business. This provision, however, is not intended to apply to questions by the Mayor or members of the Council acting in their individual capacities rather than as City officials, nor to questions regarding conflicts of interest, meeting procedures, or similar issues particular to individual.

(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 Mayor or City Manager. Both the request 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 a 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 relevant staff presenters, the City Manager, or the City Attorney in advance of the meeting.

Section 9. Media and Social Media Guidelines for City of Talent Public Officials, Including Staff

- A. A City of Talent public official is expected to refrain from expressing on publicly available media a personal position contrary to the official position of the public body on which they serve without making clear they are voicing their own individual views in contrast to those of

the public body.

- 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 be considered a public record subject to disclosure pursuant to the Oregon Public Records Act or to a subpoena in a lawsuit.
- C. When a City official intentionally or even inadvertently establishes what is deemed to be a public forum on social media sites, the official may be legally precluded from engaging in viewpoint discrimination, blocking users, or even deleting comments just because of their subject or opinion. Inviting comment on public matters, disseminating official information, or using one's official title may result in such a social media site being deemed to be a public forum.
- D. Communication between elected City officials via social media or email, may constitute a "meeting" under the Open Public Meetings Act if it involves the 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 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.