

CITY OF LA GRANDE

COUNCIL RULES OF ORDER AND PROCEDURE

1. AUTHORITY

The City Charter of the City of La Grande provides that the Council may determine its own Rules of Order and Procedure. The following Rules shall be in effect upon their adoption by the Council and until such time as they are amended or new Rules adopted in the manner provided by these Rules. Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only, and the failure to strictly observe such Rules shall not affect the jurisdiction of the Council nor invalidate any action taken at a meeting that is otherwise held in conformity with law.

2. QUORUM

Four (4) members of the Council shall constitute a quorum for the conduct of Council business. Councilors need not be physically in the same location to constitute a quorum; telephonic or other electronically conducted (*but not email*) meetings may be scheduled, pursuant to ORS 192.670.

3. PRESIDING OFFICER

Each Session of the Council shall be called to order by the Mayor (Presiding Officer), or, in the Mayor's absence, by the Mayor Pro Tem, who is elected by the seated Councilors during the first Regular Session of each odd-numbered year. In the absence of both the Mayor and the Mayor Pro Tem, the senior Councilor shall preside.

The Presiding Officer may Move, Second, Amend, Debate, and Vote and shall not be deprived of any of the rights and privileges of a Councilor by reason of acting as the Presiding Officer.

The Presiding Officer shall preserve strict order and decorum at all Sessions of the City Council; shall clearly state every Question coming before the Council; provide adequate opportunity for discussion; and decide all questions of order. Parliamentary Rules of Procedure, as defined under *Robert's Rules of Order*, shall be the governing Rules of the Council. The Presiding Officer or City Recorder shall restate an unscripted or amended scripted Motion immediately prior to the Vote, after which the Presiding Officer shall announce whether the Question passed or failed.

Motions. All motions shall be distinctly worded.

A. The following rules shall apply to motions:

1. If a motion does not receive a second, it dies.
2. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. A motion to amend can be made to a motion that is on the floor and has been seconded.
5. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table;
 - b. To call for the previous question;
 - c. To postpone;
 - d. To refer; or
 - e. To amend.
6. A motion may be withdrawn by the mover at any time without the consent of the Council.
7. Amendments are voted on first, then the main motion, if voted on as amended.
8. A member of the Council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
9. A call for the question is intended to close the debate on the main motion, not a vote on the main motion; does not require a second and is not debatable.
 - a. A call for the question fails without a majority vote as described in Robert's Rules of Order.
 - b. Debate on the main subject resumes if the motion fails.
 - c. If the motion passes, debate ends and the Mayor shall then call for a vote on the main motion.

10. A motion that receives a tie vote fails.

4. WORK SESSIONS

Work Sessions are designed as *information only* Sessions and are typically scheduled on the first Monday of each month, as needed. Motions are not introduced during a Work Session, and no vote is taken on any matter under discussion; nor shall any Councilor enter into a commitment with another respecting a vote to be taken subsequently in a Regular or Special Session of the Council. However, nothing herein shall prevent determining a Council consensus on a given issue. The Mayor, City Manager, or at least four Councilors may request a Work Session in connection with a topic or topics about which they may desire more in-depth information, but which do not require the formality of a Regular or Special Session. City Staff who wish to bring an issue to the Council in a Work Session are asked to make that request through the City Manager or City Recorder, who will then discuss the request with the Mayor. All Work Sessions are subject to the Oregon Public Meetings Law.

5. REGULAR SESSIONS

Typically, Regular Sessions of the City Council of the City of La Grande are scheduled on the first Wednesday of each month, beginning at 6:00 p.m., with the exceptions of January, July, August, and possibly December. If a second Session is needed, it shall typically, but not always, be scheduled on the third Wednesday of the month, beginning at 6:00 p.m. All Regular Sessions are subject to the Oregon Public Meetings Law.

6. SPECIAL SESSIONS

Special Sessions of the Council may be called by the Mayor and/or City Manager and are typically scheduled to accommodate business which is time sensitive and requires Council action prior to the next Regular Session. All Special Sessions are subject to the Oregon Public Meetings Law.

7. EXECUTIVE SESSIONS

The Council may occasionally have need to discuss items of a confidential nature, as defined by ORS 192.660, in an Executive Session, which is not open to the public but is subject to the Oregon Public Meetings Law in terms of advertising and announcing the specific topic for which the Executive Session has been scheduled. ONLY the following topics may be discussed in Executive Session and ONLY to the extent provided by ORS 192.660, a copy of which is hereto attached and by this reference incorporated herein as if fully set forth:

- A. Employment of Public Officers, Employees and Agents ORS 192.660(2)(a)
- B. Discipline of Public Officers and Employees ORS 192.660(2)(b)
- C. Labor Negotiator Consultations ORS 192.660(2)(d)
- D. Real Property Transactions ORS 192.660(2)(e)
- E. Exempt Public Records ORS 192.660(2)(f)
- F. Litigation or Litigation Likely to be Filed ORS 192.660(2)(h)
- G. Performance Evaluations of Public Officers and Employees ORS 192.660(2)(i)
- H. Labor Negotiations ORS 192.660(3)

While a consensus may be reached during an Executive Session, Motions may not be introduced nor voted upon in Executive Session; and Councilors are strongly encouraged not to discuss Executive Session issues outside of the Executive Session forum, unless so doing with the City Manager or appropriate City Staff. Members of the media are by law permitted to attend Executive Session discussions and while generally prohibited from reporting on such discussions may do so if the Executive Session law is violated either during the Session or if a Councilor engages in conversation about the issue with a media representative outside of the Executive Session.

8. AGENDAS

Regular and Special Session Agendas are designed to address ONLY those action items on which it is necessary that the Council vote. While the Mayor (Presiding Officer) may occasionally change the order of the Agenda to accommodate special circumstances, a typical Regular or Special Session Agenda is generally prepared in the following order:

- ♦ Call to Order/Pledge of Allegiance/Roll Call
- ♦ Agenda Approval
- ♦ Consent Agenda

The Consent Agenda includes routine items of business which may be approved by one Motion of the Council. Any Councilor so desiring may by request remove one or more items from the Consent Agenda for individual consideration under the Unfinished or New Business portion of the Agenda.

♦ **Public Comments**

Those individuals who wish to address the Council in connection with any item that is printed on an Agenda may do so during the time that item is under discussion by the Council. Individuals wishing to speak to the Council about non-Agenda items may do so during the Public Comments portion of the Agenda. When addressing the Council, individuals will be asked by the Mayor to step to the Podium, fill out the form at the podium with their name and address for the record, and state their names loudly and clearly into the Podium microphone. The Mayor may establish a time limit for such comments.

♦ **Public Hearings**

♦ **Unfinished Business**

♦ **New Business**

♦ **City Staff Comments**

♦ **City Manager Comments**

♦ **Councilor Comments**

♦ **Adjournment**

9. DECORUM AND CONDUCT

The Presiding Officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the Council. While the Council is in Session, all Councilors also must preserve order, decency and decorum at all times; and no Councilor shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member by speaking or refusing to obey the directives of the Presiding Officer. No Councilor shall use any impertinent, degrading, or slanderous language toward or against any other member of the Council, City Staff, or member of the public. All City Staff shall observe the same Rules of Order and Decorum, as are applicable to the members of the City Council.

If there are several Councilors who wish to be heard in connection with the same issue, Councilors who have already spoken a first time shall wait until all other Councilors who wish to but have not yet spoken in connection with the same issue have been recognized. To ensure efficient but thorough discussion of the issues, Councilors are asked to be brief but concise and to avoid repetitious comments or remarks/behavior that delay(s) or interrupt(s) the orderly business of the Council. The Presiding Officer shall have the right to refuse recognition of the remarks if they become repetitious, personal, impertinent, or slanderous.

No member of the audience shall make personal, impertinent, or slanderous remarks or become boisterous while addressing the Council; or, by conversation or otherwise, delay, impede or interrupt the proceedings or the peace of the Council or disturb any member of the Council by speaking out of order or refusing to obey the directives of the Presiding Officer. Similarly, any Councilor who is the subject of such remarks or behavior is also permitted to respond by asking the speaker to cease and to return to his or her seat. In the event that any Session is interrupted by an individual or group of individuals so as to render the orderly conduct of such Session unfeasible, and order cannot be restored by the removal of such individual(s), the Presiding Officer may, upon his or her own action or at the request of another Councilor, order the meeting room cleared and adjourn the Session.

A. Ethics. All members of the Council shall review and observe the requirements of the Oregon State Ethics Laws. In addition to complying with the Oregon State Ethics Laws, all members of the Council shall refrain from:

1. Disclosing confidential information.
2. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
3. Expressing an opinion contrary to the official position of the Council without so saying.
4. Conducting themselves in a manner, so as to bring discredit upon the government of the City.

B. Transparency and Communications

1. Discussions between City Councilors outside of a public meeting could be considered a violation of the Public Meeting Laws. The following is an excerpt from the 2019 Oregon Attorney General's Public Records and Meetings Manual and therefore the City Council will avoid such situations:

i. *“A gathering of less than a quorum of a governing body is not a “meeting. However, members of a governing body should not gather as a group or groups composed of less than a quorum for the purpose of conducting business outside the Public Meetings Law. Such a gathering creates the appearance of impropriety, and runs contrary to the policy of the Public Meetings Law, which supports keeping the public informed of the deliberations of governing bodies. In addition, such a gathering creates a risk of violating ORS 192.630(2) through serial communications, as discussed below. A governing body risks violating meetings law through a series of private communications, even if a quorum isn’t involved in any single communication. For example, the Court of Appeals held that a county administrator’s e-mails and phone calls with various board members deliberating towards the resolution of a public records request could be a violation, even though no single e-mail or phone call involved a quorum. The court explained that ‘the determinative factors are whether a sufficient number of officials are involved, what they discuss, and the purpose for which they discuss it—not the time, place, or manner of their communications.’” The Manual also recommends that “members of a governing body should not meet in private to discuss business, or exchange private communications about business, even if those involved constitute less than a quorum.”*

2. Members of the Council shall refrain from sending texts or other messages during meetings and work sessions relating to matters before the Council unless they disclose the contents of the messages including the recipient’s name. Any messages made during any meetings may become requested on by the Public through a Public Records Request.

C. Statements to the Media and Other Organizations

1. When Formally Representing City. If a member of the Council, to include the Mayor, appears as a designated representative of the City before another governmental agency, or an organization to give a statement on an issue, the member may only state the official position of the City, as determined by the City Council as a body.
2. Media. If a member of the City Council is interviewed by the media regarding any City matter, the Councilor is free to express their individual position on the matter provided they specifically state it is their individual position as opposed to the position of the Council as a body.
3. Individual Councilor positions. If a member of the Council, to include the Mayor, appears in their personal capacity in a meeting of another governmental agency or organization, and is asked to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement. All members of the Council can express the official position of the Council if the Council has taken a final action on a matter.

10. ADDRESSING THE COUNCIL

While the Oregon Public Meetings Law, with the exception of Public Hearings, is not a public participation law, members of the public are typically invited to speak to the Council during the *Public Comments* portion of the Agenda and at the discretion of the Presiding Officer. Each individual desiring to address the Council shall fill out the form at the podium, step to the podium when directed by the presiding officer, state his or her name for the Record, the topic of discussion, and if he or she is a representative of an organization or other persons. All remarks shall be addressed to the Council as a whole. No questions shall be asked of Staff from a member of the audience, without the permission of the Presiding Officer, who may establish a time limit for all public comments.

If there are several individuals in the audience who wish to be heard in connection with the same issue, individuals shall not be allowed to address the Council in connection with that issue for a second time until all other individuals have been recognized for the first time on that issue. The Presiding Officer shall have the right to refuse recognition of the remarks if they become repetitious, personal, impertinent, or slanderous. In order to expedite matters and to avoid repetitious presentations, delay, or interruption of the orderly business of the Council, whenever any group of persons wishes to address the Council on the same subject, the Presiding Officer may request that a spokesperson be chosen by the group. Remarks shall be limited to the time established by the Presiding Officer, and in the event additional issues are to be presented by any other member of said group, the number of such persons addressing the Council may be limited.

Interested parties or their authorized representative(s) may also address the Council by email using the City email addresses available to the public on the City's website or by written communication addressed to the Mayor and Council at the City of La Grande, 1000 Adams Avenue, P. O. Box 670, La Grande, Oregon, 97850. Emails and written correspondence received, including any replies, are public records and may be provided to all members of the City Council upon receipt even if only sent to one member of the City Council.

11. VOTING

Each Councilor shall vote on all questions before the Council, except in the case of a conflict of interest, as defined by ORS 244.020, which would disqualify the Councilor from voting. A Councilor is deemed to have a conflict of interest if the effect of the Councilor's action is to the private financial benefit or detriment of the Councilor or a member of the Councilor's household. If a Councilor chooses to abstain from voting on an issue, the Councilor shall so state and offer his or her reasoning for such abstention.

All official actions by governing bodies must be taken by public vote and recorded in the official Minutes for each Session. Upon request of the Presiding Officer, any member of the Council, or the City Recorder, a vote may be taken by Roll Call. *Secret voting ballots are prohibited by State law.*

12. ORDINANCES AND RESOLUTIONS

Ordinances shall be adopted as prescribed by City Charter and State law and shall be signed by the Presiding Officer within three business days following adoption. Resolutions shall be passed as prescribed by City Charter and State law and shall be signed only by those Councilors voting in the affirmative.

13. COUNCIL/STAFF RELATIONSHIPS

The City Manager shall attend all Sessions of the Council, unless excused by the Mayor. The City Recorder shall attend all Sessions of the Council, unless excused by the City Manager. It is generally understood that Department Directors shall not be required to attend all Sessions of the Council, except that, by reason of a specific Agenda item or special request of the City Manager or Mayor, attendance by one or more Department Directors may be required.

The City Recorder and the Assistant to the City Manager shall provide staff support for the Council, including but not limited to:

- Preparation of the Council's annual and monthly meeting schedules.
- Preparation of Agendas, including all pertinent materials, at least forty-eight (48) hours prior to a Session.
- Timely processing and distribution of Council mail, including monthly Council payroll.
- Coordination of the Council's travel schedules, including reservations and the subsequent preparation of travel expense reports.
- A reasonable level of research assistance to the Council as a whole or to individual Councilors in connection with City business.
- Retention of an accurate record of all Council proceedings, including the transcription of official Minutes, to ensure their timely availability to the Council and to interested members of the public.

If any Councilor has a request for action other than an inquiry, or a request of the City Attorney, such request(s) shall be made through the City Manager. Councilors may discuss City business with various members of the Staff but shall refrain at all times from giving or attempting to give orders to any City employee, except through the Council as a whole and/or the City Manager.

Staff. All members of the Council including the Mayor shall respect the separation between the Council's role and the City's Manager's responsibility by:

- A. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
- B. Refraining from actions that would undermine the authority of the City Manager or a department head.
- C. Limiting individual inquiries and requests for information from City Staff to those questions that may be answered readily as part of City Staff's day-to-day responsibilities. Questions of a more complex nature from individual members of the Council requiring significant time or resources shall be directed to the City Manager. City Staff shall normally share any information provided

to the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

The City Charter, Section 20, specifically prohibits interference in administration as follows: Except in Council meeting, no Councilor may directly or indirectly, by suggestion or otherwise, attempt to influence the Manager or a candidate for the office of Manager in the appointment, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In Council meetings, members of the Council may discuss with, or suggest to, the Manager anything pertinent to City affairs. Nothing in this Section shall be construed, however, as prohibiting the Council while in open (Regular) Session or Executive Session from fully and freely discussing with or suggesting to the Manager anything pertaining to City affairs or the interests of the City.

14. APPLICATION

These Rules of Order and Procedure shall apply to the City Council of the City of La Grande, Oregon, sitting as members of the Council, in which case they are referred to as “Councilors” or “the Council”; as members of the Urban Renewal Agency (URA), in which case they are referred to as “Agency members”; or as members of the Local Contract Review Board (LCRB), in which case they are referred to as “Board members.” All business Agendas shall be prepared accordingly.

15. ENFORCEMENT

The Council may enforce these rules and ensure compliance with City Ordinances, Charter and state laws applicable to governing bodies. If a member of Council violates these rules, City Ordinances, the City Charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand.

The Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist a violation of these rules, local Ordinance, the City Charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

16. AMENDMENT OF RULES

These Rules of Order and Procedure may be amended or new Rules adopted by a majority vote of all members of the Council, provided that the proposed amendments or new Rules have been introduced into the Record during a prior Session of the Council.

17. ACKNOWLEDGEMENT

Following each general election and following seating of newly elected or appointed members of the City Council, the Mayor and City Councilors shall individually sign an acknowledgement that they have read these Council Rules and will follow them during their tenure on the City Council.