

City Council Rules – City of Merrill

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1. Authority and Purpose Statement

The Charter of the City of Merrill provides that the Council shall adopt rules for the government of its proceedings, the following set of rules shall be effect upon their adoption by the Council and until such time as they are amended, or new rules adopted.

2. Meetings of the Council

2.1 Meeting to be Public

The deliberations and proceedings of the Council shall be open to the public, except as state law may provide otherwise (e.g., executive sessions)

2.2 Regular City Council Meetings

The Council shall meet at 5:30 p.m. on the second Wednesday of each month in the City Hall Council Chambers or at any place that the Council may direct. On recognized City Holidays which fall on Wednesday, the Council shall determine date, time, and place of meeting.

2.3 Special City Council Meetings

The Mayor, or in the Mayor's absence, the President of the Council may call a special meeting of the Council. Three Councilors may also call a special meeting by filing a request with the City Recorder. Notice of a special meeting shall be given to each member of the Council at least 24 hours in advance of the meeting. Notice may be given on writing, in person, by telephone or by electronic communication. No business other than that for which a special meeting is called can be transacted at a special meeting.

2.4 Executive Sessions

An executive session (a meeting closed to the public) 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. Executive sessions may also be separately scheduled pursuant to the requirements for special meetings.

2.4.1. Attendance at Executive Sessions.

The Presiding Officer shall determine which persons other than the Council shall attend an executive session.

2.4.2. Media Attendance

Representatives of the news media shall be allowed to attend executive sessions except those called pursuant to the ORS subsection for deliberations with persons designated to carry on labor

negotiations. The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session.

2.4.3. Final Decision Prohibited

No final decision shall be made in executive session. To make a final decision, the Presiding Officer shall wither call the meeting into open session or place the decision on the agenda of a future open session.

2.5 Work Session Meetings

Work Session meeting will be held on the prior to the regular City Council meeting. Work Session may also be scheduled as necessary by consensus of the Council. Work session meetings are informal sessions to review upcoming issues, receive special reports, conduct goal setting sessions and for special training purposes.

2.5.1. Subjects for Work Sessions.

Review the list of topics to be included on the agenda of the next regular meeting with the following considerations:

- Staff/Council Discussion. Provide an opportunity for discussion between staff and Council to analyze an issue and receive direction from Council on how to proceed.
- Information. Receive selected information concerning proposed agenda.
- Available Data. Establish if enough information has been submitted for the Body to make informed decisions. If more information is required, notify City Staff that additional information is required before the regular meeting.
- Finalize Agenda, Set final Agenda for the regular meeting. Allowing for time constraints, determine if an additional meeting will be needed to address all agenda items or if certain items can be carried over to the next month's agenda.

2.5.2. Limits to Topics for Discussion

The merits of specific topics brought before the body by the public should not be discussed nor any direct action taken until a regularly scheduled meeting.

3 Meeting Procedures

3.1 Presiding Officer and Duties

The mayor or in absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. In the case of the absence of the Mayor and the Council President, the City Recorder shall call the meeting to order and the Council shall elect a Presiding Officer by majority vote. The presiding Officer shall conduct all meetings. Preserve order, enforce rules of the Council and determine the order and length of discussion on any matter before the Council subject to these rules. The Presiding Officer may debate and vote on any issue.

3.1.1. Quorum Requirements

The Presiding Officer shall call the meeting to order at the time designated for a scheduled meeting. Except to adjourn, a quorum is necessary to conduct business at any meeting of the City Council.

Quorum is defined by charter as a majority of the Council members.

3.1.2. Right of Councilor to be Heard.

Every Councilor desiring to speak shall gain the attention of the Presiding Officer by raising his/her hand and, upon recognition by the Presiding Officer, shall confine their remarks to the question under debate. No member shall speak more than once on the same subject until all members who wish to speak have had the opportunity to do so.

3.1.3 Preservations of Order.

The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of Councilor's motives, and confine Councilor debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive, or disruptive may be removed from the meeting. The presiding officer may summon the assistance of police or other administrative staff to assist in maintain order, and if an arrest of a person(s) is deemed necessary by the presiding officer to restore or maintain order, the presiding officer may sign a complaint or citation on behalf of the city.

3.1.4 Points of Order

The presiding officer shall determine all points of order, subject to the right of any Councilor to appeal to the Council.

3.1.5 Administrative Staff, City Employees Addressing Council

City administrative staff and other City employees desiring to address the Council shall first be recognized by the Presiding Officer and shall address such remarks to the Presiding Officer. The staff shall respond to questions or comments by the Council or members of the public with permission of the Presiding officer, and shall do so in a polite, tactful manner.

3.1.6 Citizen Question or Discussion

No person shall enter into any discussion without being recognized by the Presiding Officer. Any citizen desiring to address the Council should come to the designated location to address the Council and be recognized by the Presiding Officer. After being recognized by the Presiding Officer, the person shall state their name and address for the record and their remarks shall be limited to the question under discussion or agenda item.

Agenda item "Public Comment" provides the opportunity for any member of the public to speak on any topic that is not on the meeting agenda. There will be an opportunity to speak on agenda items as

the items are announced. Audience members will be recognized by a how of hand, and will come forward to the podium, stating name and address for the record. Audience members are asked to address their comments to the Presiding Officer, avoid personalizing or directing comments to any one or more individuals, try to be succinct and avoid lengthy commentary. Responses from the Council members should be made after being recognized by the Presiding Officer.

Any citizen addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer. No citizen shall be allowed to speak more than once upon any one subject until every other citizen choosing to speak has had an opportunity.

After a motion has been made, no citizen shall address the Council without first securing permission from the majority of the council.

3.2 Decorum of Meeting.

3.2.1. Improper Conduct

The following items are not condoned by the City Council and may be cause for the Presiding Officer to have the person(s) removed from the Council Chamber:

- Using or making of loud or disruptive language, noise or conduct which obstructs the work or the conducting of the business of the Council.
- Engaging in violent or distracting action.
- Willful injury of furnishing or of the interior of the Council Chambers or other meeting place.
- Refusal to obey any rules of conduct, including the limitations on occupancy and seating capacity.
- Refusal to obey an order of the Presiding officer or an order issued by a Councilor which has been approved by a majority of the Councilors present.

3.2.2. Removal Action

The Presiding Officer shall warn any person(s) whose conduct is described above before taking action to have such person(s) removed.

3.2.3 Vacating Council Chambers.

If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Councilors present may call for a recess until order is restored.

3.2.4 Picture Taking and Filming

Filming in the Council chambers or other meeting places shall be allowed when permitted by the Presiding Officer.

3.2.5 Seating Capacity and Safety Requirements

The safe occupancy and seating capacity of the Council Chambers, as determined by the Fire Chief, shall be posted within the Council Chambers. The limitations on occupancy and seating capacity as determined and posted shall be complied with at all times.

Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the chambers and should not move forward of the seating areas unless wishing to address and be recognized by the Presiding Officer.

3.2.6 Flags, Signs and Posters.

No flags, posters, placards, or signs, unless authorized by the Presiding Officer, may be carried or placed within the Council Chambers, any other Meeting place, or in any meeting place where a public hearing is being held. This restriction shall not apply to arm bands, emblems, badges or other article worn on personal clothing of individuals, provided that such devices are of such size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not exceed from the body in a manner likely to cause injury to another.

3.2.7. News Media

The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Accommodations shall be made where practical for members of the press at Council meetings so that they may observe and hear proceedings early. The terms “news media” “press” and “Representative of the press” for the purpose of these rules are interchangeable and mean someone who:

- Represents an established channel of communication, such as a newspaper or magazine, radio or television; and
- Regularly reports on the activities of government or the governing body.
- Final decisions on the qualifications of an individual as a representative of the news media shall rest with the Council.

3.3 Rules of Order

Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by the most recent revised addition of Robert’s Rules of Order.

3.3.1. Ordinary and Special Motions

General consent may be used for ordinary and special motions such as:

- To adjourn
- To recess
- To close deliberation
- To postpone
- To refer
- To withdraw, reconsider, or rescind

3.3.2. Main Motions

For main motions such as requests for action, policy changes, appointments, etc. use the following parliamentary procedure:

After a motion has been made the presiding officer:

- Asks if the motion is understood by the Entire Council
- Invites discussion (from the Council)
- Restates the motion in its final form (the minutes taker can repeat the motion).
- Asks for the affirmative vote followed by the negative vote.
- Announces the result of the voting and adds any necessary information to interpret or to affect the decision.

3.4 Order of Business

The order of business of the City Council shall be as follows:

- Call to order
- Roll Call
- Flag Salute
- New Business
- Old Business
- Consent Agenda
- Minutes of the previous Work Session, Executive and Regular Meeting
- Bills for Approval
- Reports
- City Recorder
- Public Works
- Police
- City Attorney
- Public Comment
- Other
- Adjourn

The Mayor or Presiding Officer has authority to adjust the agenda items and order of business.

3.4.1. Consent Agenda

Before the vote is taken on the Consent Agenda, a Council member may request that one or more items be excluded therefrom. The remaining items may then be voted upon as a whole. Items removed from the Consent agenda as provided above shall be taken up for action after the Consent Agenda vote and before the next item on the agenda is taken up.

3.5 Public Hearing

The public hearing procedure shall be followed as set forth in the Municipal Code and or Resolutions adopted by City Council.

3.6 Voting Procedures

The vote on every motion shall be taken and entered in the meeting minutes. The Council will normally exercise its administrative authority by approving resolutions. Actions adopted by simple motion shall be memorialized by adoption of a resolution at the following meeting. Such resolution shall be placed on the consent agenda.

3.7 Duty to Vote

Except as otherwise provided by law, every member when a question is taken shall vote, unless a majority of the Council for special reason excuses the member. Any Councilor shall withdraw themselves from the item being voted on should there exist a direct pecuniary interest in the matter. If a member is not ready to vote, the member may request additional time to consider their response and the Council may wait.

3.7.1. Reconsideration of Actions Taken.

Any Councilor who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered at the same meeting, no motion for further reconsideration shall be made without unanimous consent of the Council.

3.7.2. Absentee Voting

The right to vote is limited to those present at the time of the vote.

4 Agenda Packets for City Council Meetings

- Any councilor may have an item put on the Council agenda.
- Any Councilor may request, if responsible for an agenda item, postponement of the item to another meeting if the Councilor cannot be present at the meeting at which time the item is scheduled.
- Any two Councilors can request that an item be postponed to the following meeting. Further postponement requires a majority vote of the Councilors present.

4.1 Deadline

The deadline for public submission of topics for inclusion on the Agenda of a regularly scheduled Council meeting shall be 12:00 noon, on Tuesday of the calendar week before the meeting for the Council.

4.2 Late Submissions

Items submitted after the deadline may be heard by the Council at their own discretion. Otherwise, they shall be put on the Agenda of the next regularly scheduled meeting/

4.3 Packets Available

Packets shall be available for Council Members to pick up at the City Hall at the end of business hours on Friday of the week before a regularly scheduled meeting. A sample Council packet will be filed in the Minutes Books. Packets shall be available at City Hall for public review. Copies may be obtained at the current cost. Accounts Payables Agendas, and Department Reports shall be made available to meeting attendees.

4.3.1 Text Exhibits

Packets shall include copies of applications, map locations and other pertinent, easily reproducible text exhibits.

4.3.2 Drawings and Reports

Drawings, reports and other materials difficult or expensive to reproduce will be made available for inspection at City Hall During Business Hours.

5 Minutes of the City Council Meetings

5.1 General Format

All official printed Minutes of City Meetings shall be fashioned after the minimum as required by State Law with minor additions. Audio tape recording of entire meetings will be kept on file for more detailed references for a period of two years.

5.2 Contents of Minutes

- **Meeting Particulars.** Minutes shall include the date, time, and place of all meetings.
- **Audio Taping.** Agendas shall indicate that all proceedings are being audio tape recorded for back-up reference.
- **Attendance.** Minutes shall include the names of all members of the governing body and indicate whether they are present or absent.
- **Motions.** Minutes shall include all motions, proposals, resolutions, ordinances, and measures proposed and their disposition.
- **Result of Votes.** Minutes shall include the results of all votes and the vote of each member by name.
- **Substance of Topics.** Minutes shall include the results of all votes and the vote of each member by name.

- **Reference to Documents.** Minutes shall include any reference made to any specific document mentioned in discussion.
- **Public Participants.** The Minutes shall include the name and address of member of the public who addressed the body.
- **Emergency Meetings.** The Minutes shall include, if required, the nature of the emergency of calling an emergency meeting.
- **Speeches and Statements.** Speeches and statements or the exact text of discussions shall not be transcribed verbatim.

5.3 Submittal to Council

After being prepared in draft form by the City Recorder or designee, the City Recorder submit them to

Council as part of the “Consent Agenda” for the next regular Council meeting agenda. Amendment and Approval.

5.4 Approved by Council

The Council may amend the minutes to more accurately reflect what transpired at a meeting. An individual Councilor may call for additions or corrections to the minutes during the Work Session Meeting or before adoption of the consent agenda, and unless there is disagreement from other Councilors, the motion to approve the Consent Agenda shall include the minutes as amended. If the Council questions the minutes or is unsure they accurately reflect what transpired during a meeting, the Council may postpone approval of the minutes until a transcript of the portion of the meeting in question can be prepared. Information obtained subsequent to a meeting, which is relevant to discussions or action which occurred during the meeting, may be referenced onto the record of the meeting at which the minutes are approved. The Council is the final authority as to amendment of the minutes. After Council approval, the City Recorder shall incorporate any amendments approved by the Council, the Mayor shall sign the minutes. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes such a change.

5.5 Retention

When approved and fully executed, the minutes shall be kept on file in the City recorder’s Office. Both written minutes and sound recordings (as long kept) shall be available for public inspection during office hours, Copies of the written minutes shall be available to the public at the currently established price. Sound recordings and a transcriber shall be available to the public for use on City premises. Citizens may use their own tapes and recorders to make copies of sound recordings. The City Recorder may implement additional reasonable rules and procedures to assure the preservation of original and sound recordings. The City is not required to cause a transcript to be made of Council meetings. Upon a citizen request, however, copies of transcripts made for other purposes shall be made available in the same manner and for the same cost as written minutes.

6 Guidelines and Procedures for City Councilors

6.1 General Conduct

- Councilor should only speak for himself/herself and not for other Councilors, unless authorized to do so by the Council.
- Councilors should avoid personalizing issues; therefore, discussion should be issue oriented.
- Councilors should not create or infer a change in City policy before, during or after consideration of a particular issue unless the specific issue has been established as policy by vote of council.
- During public meetings, Councilors should not attempt to edit or rewrite existing ordinances because of the potential impact on other issues. If changes are necessary amendments to an ordinance shall be prepared and reintroduced.

6.2 Conflict of Interest

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

6.3 Legal Advice

Use of the City Attorney's time must be authorized by the Mayor or Council President. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the majority approval of the Council. Before requesting research or other action by the City attorney, the Council is encouraged to consider consulting with the City Recorder to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Recorder. Exceptions to this are issues related to the performance of the City Recorder and unique and sensitive personnel that involve city business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Recorder.

6.4 Communication with Staff

Councilors shall respect the separation between policy making and administration by:

- Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
- Not attempting to influence or coerce the City Recorder or department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.
- Addressing all formal inquires and requests for information from staff to the City Recorder or City attorney and allowing sufficient time for response. All written information given by the City Recorder or his/her designee to one Councilor should be distributed to all Councilors.
- Limiting individual contacts with City office and employees so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having benefit of any information received.

- Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronics mail messages. Staff shall have the same respect for the roles and responsibilities of Council members. All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.

Request of use of City staff time shall be made to, and scheduled through the supervisor, this shall include, but not be limited to, typing site inspection, telephoning, etc.

6.5 Confidentiality

Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, City Staff or City Attorney.

If the Councilor in executive session provides direction or consensus to city staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

All public statements, information, or press releases relating to a confidential matter will be handled by staff designated by majority of the Council.

The Council, by vote, may reprimand a member who discloses a confidential matter, or take any other appropriate legal action.

6.6 Expenses and Reimbursement

Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, as established by City policy. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) must require advance Council approval according to the purchasing rules which apply citywide.

A Councilor who will be traveling on City business may make his or her own reservations for travel and lodging in accordance with City policy, upon request to the City Recorder, travel accommodations for Councilors will be made by City Staff.

The City does not reimburse Councilors for expenses incurred by their spouses.