



# City of Manzanita Rules of Procedure for City Council Meetings

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City of Manzanita Rules of Procedure for Council Meetings 1

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Amended Chapter 2 - March 8, 2023

Amended Chapter 8 - February 8, 2023 & May 9, 2023

Amended Chapter 9 - May 8, 2024

## CHAPTER 1 – Council Rules Required

### I. Authority.

- A. The City of Manzanita City Charter, Chapter IV, Section 13 requires the City Council adopt rules for the government of its members including parliamentary procedures based on Robert’s Rules of Order. The following Council Rules shall be in effect upon their adoption until they are amended, or new Council Rules are adopted.
- B. These Council Rules shall be presented to all Councilors, including the Mayor. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these Council Rules. The City Recorder shall retain the signature copy.

## **CHAPTER 2 – General Governance**

### **Amended March 8, 2023**

#### **I. Rules of Procedure.**

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

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

- A. The members of the Council are the City Councilors and Mayor. Fifty percent plus one of the members of the Council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- B. In the event a quorum is not present, the attendance of those present shall be recorded and the Presiding Officer or City Recorder shall adjourn the meeting.

#### **III. Presiding Officer.**

- A. The Mayor shall preside over all meetings. As provided in the City Charter, the Mayor shall vote as a Councilor and shall have authority to preserve order, enforce the rules of the Council and determine the order of business under the rules of the Council.
- B. In the Mayor’s absence the President of the Council shall preside over the meeting. The President of the Council shall retain all rights and privileges of the office of the Mayor as set out in the city charter when acting in this capacity.
- C. If both the Mayor and the President of the Council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
  - 1. The City Manager shall call the Council to order and determine that a majority of the members of the Council are present and that a quorum to transact business exists.
  - 2. Those members of Council present shall elect, by majority vote, a temporary presiding officer for the meeting.
  - 3. Should either the Mayor or the President of the Council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
  - 4. The presiding officer shall retain all rights and privileges of a member of Council when acting in this capacity.

**IV. Appointed Officers.**

- A. City Manager/Recorder. The City Manager/Recorder is required to attend all meetings of the Council and is permitted to participate in any discussion; however, the City Manager/Recorder has no authority to cast a vote in any decision rendered by the Council. The City Manager/Recorder shall designate a staff person as a meeting recorder who shall attend all Council meetings and keep the minutes and perform such duties as may be needed for the orderly conduct of the meeting.
- B. City Attorney. The city attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

**V. Agendas.** The City Manager shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting. The City Manager shall coordinate with the Mayor (or presiding officer) on the preparation of the agenda.

- A. Agendas and informational material for meetings shall be distributed to the Council at least three (3) calendar days preceding the meeting.
- B. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
- C. 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 at the beginning of the meeting.
- D. A member of the Council who wishes to have an item placed on the agenda shall advise the City Manager and Mayor at least two weeks prior to the meeting.
- E. A citizen wishing to have an item placed on the agenda shall make a request to the City Manager at least two weeks prior to the meeting. The City Manager may postpone the requested agenda item to a future meeting. The City Manager will use the following criteria to evaluate requests from the public.
  - Does the request rise to the level of broad public interest?
  - Is the request clear?
  - What is the purpose or anticipated outcome by adding the item?
  - What precedent are we setting by adding the item to the Agenda?

**VI. Order of Business.** The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by the presiding officer:

1. Call to order.
2. Audience introduction
3. Public comment on items not on the agenda.
4. Consent agenda.
5. Items removed from the consent agenda.
6. Committee reports
7. New business
8. Old business
9. City Manager reports
10. Miscellaneous
11. Adjournment.

A. Call to Order. The presiding officer shall call all meetings of the Council to order. The call to order shall note the date, time, and location of the meeting so that it may accurately be reflected in the minutes. The presiding chair will note any absences of Council members and whether the absences are excused. The meeting recorder shall determine which members of the Council are present and which are absent.

1. The attendance shall be properly reflected in the minutes.
2. If a quorum of the Council is not present, the attendance of those present shall be recorded and the Presiding Officer or the City Recorder shall adjourn the meeting.

B. Audience Introduction. The presiding officer may invite those present to introduce themselves.

C. Public Comment

1. A period for general announcements or for public comment on any issue of city business, other than agenda items will be reserved for every regular meeting of the Council. This period shall not exceed a maximum of 30 minutes, unless a majority of Councilors present vote to extend the time.
2. If a member of the public wishes to speak on an item that is scheduled for a public hearing or is an agenda item at that same meeting, the speaker shall wait until that public hearing or agenda item. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is

scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.

3. Speakers are limited to three minutes. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address. Should there be more speakers than can be heard for three minutes each during the 30-minute period provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
  4. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a Councilor is violating the spirit of this guideline.
  5. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the Council chambers as a part of their comment, but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.
- D. Consent Agenda. In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.
1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
  2. Any item on the consent agenda may be removed for separate consideration by any member of the Council.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.
- E. Reports of Council Committees. When necessary, reports can be given to the Council by committees.
1. When appropriate, reports to the Council should include written materials which are provided to the Council at least three days in advance of the meeting.

2. Oral reports to the Council should generally not exceed 10 minutes in length.
3. The Council may ask questions of the presenter upon conclusion of the report being given.

F. New Business

1. For each agenda item, the presiding officer will request an oral report from the City Manager, a designated staff member, or a Council member depending on the subject of the agenda item. Council members may ask any questions of the person making the oral report.
2. The presiding officer will then ask for any comments from the audience. Comments will be limited to three minutes per person.
3. The presiding officer may end public comments on an agenda item at any time unless a majority of the Council wishes to extend the comment period.
4. After public comment on the agenda item, the matter shall be returned to the Council for discussion and any appropriate action. Further public comment will not be accepted, although Council members may ask questions of audience members, if needed.

G. Public Hearings Generally

1. A public hearing may be held on any matter upon majority vote of the Council or as provided by City Ordinance. Public hearings may be held to consider legislative, quasi-judicial or administrative matters. A public hearing shall not be held at the same meeting in which it is approved to be called.
2. Persons wishing to speak shall sign the “hearing roster” with the person’s name and address prior to the commencement of the public hearing at which the person wishes to speak.
3. The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
4. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address. All remarks shall be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:

- a. Staff presentation (15 minutes total).
  - b. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
  - c. Appellant, if other than applicant (15 minutes). Quasi-judicial hearing only.
  - d. Other interested persons (3 minutes per person).
  - e. Questions of staff (No time limit).
  - f. Rebuttal by applicant or affected party. The scope of rebuttal is limited to matters which were introduced during the hearing (10 minutes total).
  - g. Time limits per person shall not be extended by a person ceding their minutes to another person.
6. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by Councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the Council when exercising this option. The presiding officer may intervene if a Councilor is violating the spirit of this guideline.
  7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Councilors questioning, seeking clarification, or soliciting a recommendation from staff shall direct the concern to the City Manager. The City Manager may respond as requested or redirect the inquiry to a member of the staff. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.
  8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for



those in favor of the pending proposal or those in opposition to rise and direct the meeting recorder to note the numbers in the minutes.

9. At the end of public testimony and questions of staff, the Council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the Council shall have the opportunity to comment on or discuss testimony given during the public hearing.
10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City Manager at the time of the hearing. Communications to an individual Councilor concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a Councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.
11. Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Manager pursuant to ORS 192.455(1).

H. Conduct of Hearings on Land Use Matters – See Chapter 5

I. Written Communications to Council.

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

## CHAPTER 3– Meeting Time, Location and Frequency

- I. **Regular meetings.** The Council shall meet the Wednesday after the first Monday of each month with the exception of designated holidays. Upon a majority vote of Council members, a regular meeting may be postponed to a date certain or cancelled. The City Charter requires the Council to hold a regular meeting at least once per month.
  - A. Meetings shall begin at 6:00 p.m.
  - B. Meetings shall adjourn no later than 9:30 p.m., allowing half hour increment extensions upon a majority vote of the Council.
  
- II. **Special meetings.** Special meetings may be called by the presiding officer, by request of three members of the Council, or by the City Manager.
  - A. Notice of the special meeting shall be given to each member of the Council, the City Manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the special meeting shall be given to all members of the Council and the City Manager via telephone and email.
  - C. Notice of the special meeting shall be posted in at least three public places within the City.
  - D. Special meetings shall be noticed in accordance with Oregon’s public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.
  
- III. **Emergency meetings.** Emergency meetings may be called by the presiding officer, by the request of three members of Council, or by the City Manager.
  - A. Notice of the emergency meeting shall be given to each member of the Council, the City Manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.
  - B. Notice of the emergency meeting shall be given to all members of Council and the City Manager via telephone and email.
  - C. Emergency meetings are those meetings called with less than 24 hours notice, and the Council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
  - D. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

- IV. Executive Sessions.** Executive sessions may be called by the presiding officer, by the request of three members of Council, by the City Manager or by the City Attorney.
- A. Only members of the Council, the City Manager and persons specifically invited by the City Manager or the Council shall be allowed to attend executive sessions.
  - B. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.
- V. Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.
- A. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
  - B. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
  - C. Work sessions are to be scheduled by the City Manager.
  - D. The City Manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.
- VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the city, the regular meeting shall be postponed to a date certain as approved by the Council.
- VII. Location.** Council meetings shall be held at in the City Hall Council Chambers.
- A. In the event the City Hall Council Chambers is not available for a meeting, or the Council or City Manager anticipates attendance by more persons than can be accommodated by the City Hall Council Chambers, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.
  - B. Training sessions may be held outside of the city’s jurisdictional limits, provided no deliberations toward a decision are made.
  - C. Interjurisdictional meetings may be held outside of the city’s jurisdictional limits but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

D. No Council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.

**VIII. Notice.** The City Manager shall provide notice of all meetings in accordance with Oregon's public meetings law.

**IX. Attendance.**

A. It is the duty of each Councilor to attend all meetings of the Council. Under the charter, a Council position becomes vacant if the member of Council is absent from the city for more than 30 days without Council permission. Excused absences beyond 60 days duration shall be reviewed by the Council.

B. When a Councilor cannot attend a meeting, the member shall notify the City Manager or Mayor prior to the meeting. The Mayor or Presiding Officer will determine if the absence is considered "excused" or "unexcused". If the absence is for good cause and there are no objections from other Councilors who are present, the minutes of the meeting shall show the absence as excused. If the Councilors, upon an affirmative vote of the majority of Councilors present, determine the absence is not for good cause, the minutes of the meeting shall show the absence as unexcused. Lack of notification will result in an unexcused absence. Consent for good cause will be given as follows:

- Illness
- Family Obligations
- Employment Requirements
- Scheduled Vacations; or
- Other City-related business

## CHAPTER 4 – Ordinances and Resolutions

- I. Ordinances.** All ordinances considered by and voted upon by the Council shall adhere to the rules outlined herein.
- A. Numbering. The city recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their adoption. Each number shall be preceded by the last two digits of the year in which the ordinance was adopted.
- B. Preparation and Introduction.
1. All ordinances shall, before adoption by the Council, have been approved by the City Attorney, or the City Attorney’s designee.
  2. Ordinances shall be introduced by the City Manager or the City Attorney.
  3. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
- C. Adoption by Council.
1. Except as subsection (C)(2) allows, an ordinance shall be fully and distinctly read in open Council meeting on two different days before being adopted by the Council.
  2. A reading of an ordinance may be by title only if:
    - a. No Council member or citizen present at the reading requests that the ordinance be read in full, or
    - b. At least one week before the first reading:
      - i. A copy of the ordinance is provided for each Council member,
      - ii. Three copies of the ordinance are available for public inspection in the office of the City Recorder, and
      - iii. Notice of their availability is given by written notice posted at City Hall and three other public places in the City.
  3. An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the first reading unless each section so differing is read fully and distinctly in open Council meeting before the Council adopts the ordinance or if copies have been made available to the Council and public prior to the meeting.
  4. All proposed amendments to an ordinance shall be in writing and may be made by interlineation upon the ordinance.

5. Upon the adopting of the ordinance, the Ayes and Nays of the Council members shall be entered in the record of Council proceedings.

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

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

B. Preparation and Introduction.

A resolution may be prepared and introduced by the City Manager or the City Attorney.

C. Adoption by Council.

1. A resolution is introduced for consideration by the Council. After introduction, the Council may:
  - a. Direct that a public hearing on the resolution be held;
  - b. Pass the resolution; or
  - c. Reject the resolution in whole or in part.
2. All proposed amendments to a resolution shall be in writing and may be made by interlineation upon the resolution.
3. An affirmative vote of a majority of the Council present shall be necessary to pass a resolution. The Ayes and Nays of the Council members shall be entered in the record of Council proceedings

## CHAPTER 5 – Land Use Hearings

### I. General Conduct of Hearings.

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

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

- A. Scope of Review. All appeals and Council-initiated review in quasi-judicial land use proceedings shall be held on the record, unless a majority of the Council chooses to hear the appeal de novo (new).
- B. Conflicts of Interest.
  - 1. A member of the Council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
    - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
  - 2. Members of the Council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use

proceeding If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.

- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
1. The decision of the Council shall be based on the applicable standards and criteria as set forth in the city's municipal ordinances, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
  2. The proponent, any opponents, and/or city staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
1. Land Use Hearing Disclosure Statement. The presiding officer shall read the land use hearing disclosure statement, which shall include:
    - a. A list of the applicable criteria;
    - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
    - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
    - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
  2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the Council has had ex parte contacts. Any member of the Council announcing an ex parte contact shall state for the record the nature and content of the contact.
  3. Call for abstentions. The presiding officer shall inquire whether any member of the Council must abstain from participating in the hearing due to a conflict of interest. Any member of the Council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding,



unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
  - f. Time limits per person shall not be extended by a person ceding their minutes to another person.
6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
7. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
8. Findings and Order. The Council may approve or reject the proposal.
  - a. The Council shall adopt findings to support its decision.
  - b. The Council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the Council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

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

- A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
  1. Call for abstentions. Inquire whether any member of the Council wishes to

abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings.

2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total. (This applies to proposals made by private parties.)
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Time limits per person shall not be extended by a person ceding their minutes to another person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence, or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## CHAPTER 6 – Motions, Debate, Public Comment and Voting

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

- B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
  - 1. No motion shall be made more than once.
  - 2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.
- II. **Debate**. The following rules shall govern the debate of any item being discussed by the Council:
  - A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
  - B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.
  - C. The member of the Council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.
- III. **Public Comment**. The public shall be entitled to comment on all matters before the Council that require a vote.
  - A. Public comment shall occur after the matter up for vote has been presented by city staff and before the Council takes any formal action on the matter.
  - B. Each member of the public is entitled to comment on the matter before the Council for five minutes.
  - C. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the Council or city staff.
  - D. Each person desiring to give public comments shall provide the Council with his or her name and address prior to giving comment. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
- IV. **Voting**. The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these Rules.
  - A. Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
  - B. Consent Agenda. The unanimous vote of all members of the Council present is required to approve the matters on a consent agenda.
  - C. Resolutions. A majority of quorum shall be required to pass a resolution.
  - D. Ordinances. A majority of quorum shall be required to adopt an Ordinance.

- E. Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- F. Budget. The budget shall require a majority of the Council to pass.
- G. Suspension of Rules. A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.
- H. All votes shall be recorded in the minutes.
- I. Ties. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
- J. Effective date.
  - 1. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
  - 2. Ordinances shall take effect 31 days after adoption unless a later date is fixed on the ordinance, in which event it shall take effect at the later date. In case of an emergency, an ordinance may take effect upon adoption.
  - 3. The filing of a referendum petition shall suspend the effective date of an ordinance.

## CHAPTER 7 – Minutes

### **I. Generally.**

- A. All minutes shall be in written form, with an electronic copy of the meeting maintained by the City Manager or his/her designee in accordance with the appropriate record retention schedule.
- B. The minutes shall contain the following information:
  - 1. The date, time and place of the meeting;
  - 2. The members present;
  - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - 4. The results of all votes and, if the vote is not unanimous, the vote of each member by name;
  - 5. The substance of any discussion on any matter; and
  - 6. A reference to any document discussed at the meeting

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

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

## **CHAPTER 8 – Appointments**

### **Amended February 8, 2023**

- I. Appointments of City Staff.** The Council appoints and can remove those positions identified in the city’s charter. All appointments require a majority vote of the entire Council.
- A. Reviews. Any person appointed by the Council shall be subject to an annual review by the Council
  - B. Removals. All appointed persons may be removed by a majority vote of the entire Council
  - C. Interference. If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance shall the Council be permitted to interfere with the judge’s exercise of judicial authority or discretion.
- II. Appointments of Members to Boards, Commissions and/or Committees.**
- A. The Mayor and Council shall appoint one member of Council to lead a committee selection.
  - B. Selection Committee Process
    - a. Shall include one member of City Council.
    - b. Shall include a member from the existing committee designated by the appointed city councilor.
    - c. Shall include the City Manager or designee, as a non-voting member.
    - d. The Selection Committee will be charged with reviewing or developing selection criteria for the committee if none exists.
  - C. At a regular meeting Council shall review and finalize criteria for the selection process and will delegate authority to the established selection committee per section 8.II(B) who will conduct a selection process as outlined in section 8.II(E).
  - E. Selection Process
    - a. Using criteria established in section 8.II(C) the selection committee will write the application form.
    - b. The application will be posted on the city’s website for at least three weeks.
    - c. When the application period is closed;
      - i. Staff shall forward completed applications to each member of the selection committee to review the applications independently. Any council member can request applications.
      - ii. The applications will be posted to the city website with applicant names.
    - d. The selection committee shall meet to review applications as a committee.
    - e. The selection committee shall establish interview questions and conduct interviews for all qualified applicants.
    - f. A member of the selection committee shall present a slate of nominees and a ranked list of additional qualified candidates, if any, to the Mayor. If requested, the councilor will discuss a summary of the Committee’s findings with the Mayor.
    - g. The Mayor shall make appointment(s) based on the selection committee’s recommendation or elect to appoint candidates from the qualified list. Exception: The Budget Committee will be decided by a majority of a vote by all council members.
    - h. The Mayor and/or selection committee will notify all applications regarding appointments once the decision is made.
    - i. The Mayor will present the appointment(s) for Resolution at the next available council meeting. Committee slate recommendations will be part of the record.
  - F. Removals. All appointed persons may be removed by a majority vote of City Council.

## **CHAPTER 9 – Ethics, Decorum, Outside Statements**

### **Amended May 8, 2024**

- I. Ethics.** All members of the Council and all members of any committee appointed pursuant to Rule 8 shall review and observe the requirements of state ethics law, all members of the Council and/or any committee member appointed pursuant Rule 8 shall refrain from:
- A. Disclosing confidential information.
  - B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  - C. Expressing an opinion outside of Council meetings or committee meetings contrary to the official position of the Council or the committee without saying so.
  - D. Conducting themselves in a manner that may bring discredit upon the government of the city.
- II. Decorum.**
- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the Council.
  - B. Members of the Council or Committee shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
  - C. Members of the city staff and all other persons attending meetings shall observe the Council’s rules of proceedings and adhere to the same standards of decorum as members of Council.
  - D. No flags, posters, placards, or signs may be carried or placed within the Council Chambers or Committee location of which the City Council or Committee is officially meeting. This restriction shall not apply to arm bands, emblems, badges, or other articles worn on personal clothing or individuals, provided that such devices do not interfere with the vision or hearing of other persons at the meeting or pose a safety hazard.
- III. Statements to the Media and Other Organizations**
- A. Representing City. If a member of the Council or Committee, including the Mayor, appears as a representative of the city before another governmental agency, media or organization to give a statement on an issue, the member may only state the official position of the city, as approved by majority of Council.
  - B. Personal Opinions. If a member of Council or Committee, including the Mayor, appears in their personal capacity before another governmental agency, media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.



- C. Social Media. If a member of the Council or Committee, including the Mayor, creates a social media post, participates in a social media post, or distributes by any electronic means comment or information regarding Manzanita City government, the member may only state the official position of the City, as approved by a majority of the Council unless the member provides a clear statement they are expressing their own opinion and not that of the City.
- D. Electronic Mail – All members of the Council or Committee shall observe the following guidelines when using an electronic method for correspondence in their elected roles:
  - 1. All Council email correspondence is subject to the Oregon Public Records and Meetings laws and is subject to disclosure (pursuant to ORS 192)
  - 2. Email may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the Council, the City Manager, or City Department Directors.
  - 3. Email may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of a standing advisory body in any manner which would be in violation of the Oregon Public Meetings Law (pursuant to ORS 192).

**IV. Resolution Number 20-22 Condemning Racism and Encouraging a Commitment to Fair and Equal Treatment for all.** Resolution number 20-22 Condemning Racism and Encouraging a Commitment to Fair and Equal Treatment for All is incorporated into this Rule 9 as if fully set forth herein. Conduct in contravention of said resolution may be grounds for sanctions against a member of Council or Committee.

## **CHAPTER 10 – Interactions with Staff & City Attorney**

- I. Staff.** All members of the Council shall respect the separation between the Council’s role and the City Manager’s responsibility by:
  - A. Not interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.
  - B. Refraining from actions that would undermine the authority of the City Manager or a department head.
  - C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.
    - 1. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
    - 2. Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.
- II. City Attorney.** Council members may make requests to the city attorney for advice with the concurrence of the majority of the Council.

## **CHAPTER 11 – Censure**

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

## CHAPTER 12 – Amendment and Repeal

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