

RESOLUTION NO. 14-20

A RESOLUTION ADOPTING COUNCIL PROCEDURES FOR COUNCIL MEETINGS

WHEREAS, pursuant to City Code Section 2.003, the City Council may establish procedures for Council Meetings by Resolution; and

WHEREAS, City Code Section 2.003 will not be effective until October 16, 2014; and

THE CITY OF KLAMATH FALLS RESOLVES AS FOLLOWS:

Section 1

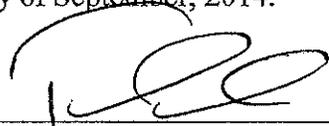
The City Council of the City of Klamath Falls, Oregon hereby adopts the Council Procedures for Council Meetings which is attached as Exhibit "A."

Section 2

This Resolution shall become effective on October 16, 2014.

Passed by the Council of the City of Klamath Falls, Oregon on the 2nd day of September, 2014.

Presented to the Mayor, approved and signed this 3rd day of September, 2014.



Mayor

ATTEST:



City Recorder

STATE OF OREGON)
COUNTY OF KLAMATH) ss.
CITY OF KLAMATH FALLS)

I, _____, Recorder for the City of Klamath Falls, Oregon, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the Council of the City of Klamath Falls, Oregon, at the meeting held on the 2nd day of September, 2014, and thereafter approved and signed by the Mayor and attested by the City Recorder.

City Recorder

EXHIBIT "A"

COUNCIL PROCEDURES FOR COUNCIL MEETINGS

SECTION 1. MEETINGS

1.1. Public Meetings Law

All meetings shall be held in compliance with ORS 192.610 to 192.690 (Public Meeting Law). Except for executive sessions pursuant to ORS 192.660, all regular and special meetings shall be open to the public.

1.2. Calling of Meetings

Meetings may be called by the City Manager, two members of the Council, by the Mayor, or by the President of the Council in the Mayor's absence for all meetings, except regularly scheduled meetings.

1.3. Type of Meetings

1.3.1. Regular Meetings

City Council will meet on the first and third Monday of each month in the City Council Chambers at 7:00 p.m.

When the regular meeting falls on a legal holiday, the Council shall meet on the day following the holiday at 7:00 p.m. in the City Council Chambers.

1.3.2. Executive Sessions

The City Council may hold closed meetings (executive sessions) and a notice calling for an executive session shall identify the specific Oregon Revised Statute allowing for the executive session.

City Council determines which staff members are allowed to attend executive sessions because some executive sessions may discuss sensitive issues that are not appropriate for all staff members. Media representatives will be allowed to attend executive sessions, except for labor negotiations, but information shall not be disclosed.

Final action on any matter discussed in executive session must be taken at an open meeting.

1.3.3. Special Meetings

A special meeting is any council meeting other than the regular meeting which has been called for the purpose of conducting official action.

1.3.4. **Emergency Meetings**

An emergency meeting is a type of special meeting called without 24 hour notice. An emergency meeting may be called when the need for meeting on a limited issue could not be foreseen and the notice for an emergency meeting shall be provided as soon as possible after becoming aware of the emergency.

1.3.5. **Work Sessions**

Work sessions of the Council shall be held for the purpose of studying issue(s). Work Sessions are a form of special meeting and the Council may take action at such sessions.

SECTION 2. ORDER OF BUSINESS

2.1. Robert's Rules of Order Revised

Robert's Rules of Order Revised shall be used as the guideline for conduct of Council meetings.

2.2. Order of Business

The order of business at each Council meeting shall be in accordance with the agenda prepared by the City Manager. Items may be taken out of the following order with the consent of the majority of the Council members:

- Call To Order and Roll Call
- Pledge of Allegiance
- Years of Service Awards
- Public Comment for Items Not on the Agenda
- Consent Agenda
- Land Use Public Hearing - Quasi Judicial
- Land Use Public Hearing - Legislative
- General Public Hearing
- Legislative Action
- Other Matters
- Adjournment

2.3. Agendas

Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Agendas and informational material for regular meetings shall be distributed to the Council at least 72 hours prior to the meeting.

2.4. Consent Agenda

Agenda items to be included within the consent agenda shall be routine matters of limited public interest including such matters as licenses, permits, minor agreements, authorizations to bid, award of bids less than \$100,000 and approval of minutes. Matters which may not be included in the Consent Agenda are Ordinances, Resolutions, public hearings, major bid awards and agreements of interest to the public and those items for which interested persons are likely to appear and comment.

Individual written staff reports shall be prepared for each consent agenda item. Council members may question staff regarding such reports prior to voting on the consent agenda and without removing the items from the agenda.

An item designated for the Consent Agenda may be removed from the Consent Agenda by a Council member or any individual prior to a Council vote on the Consent Agenda. A request to remove an item from the Consent Agenda shall be made either prior to the beginning of the Council meeting or orally at the meeting. When removed, items shall be considered individually at the end of the Consent Agenda at the same Council Meeting.

SECTION 3. DUTIES AND PRIVILEGES OF MEMBERS

3.1. Quorum

Three members of the Council shall constitute a quorum for its business.

3.2. Excusal During the Meeting

Except in an emergency, no member may leave the Council meeting while in regular session without permission from the Presiding Officer.

3.3. Reading of Minutes

Unless the reading of the minutes of the previous Council meeting is requested by a majority of the Council, such minutes may be approved without reading if copies thereof have been previously furnished to each of the Council members.

3.4. Debate

Any Council member who has the floor shall confine himself or herself to the question under debate, avoid personalities and refrain from impugning the motives of any member's argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

Council members shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No Council member shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

A Council member, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Council member while he or she is speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order he or she shall be permitted to proceed; if ruled to be out of order, he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.

3.5. Voting

The vote on every motion shall be taken by voice vote or roll call and entered in full into the record. Council must be present in person or over the phone. No written votes will be allowed.

A roll call vote shall be used for all Ordinances and Resolutions. Any other question before the Council shall not require a roll call vote unless requested by any member of the Council. It shall not be in order for members to explain their vote during roll call. Any member may change his or her vote prior to the next order of business.

Where not otherwise controlled by Charter provision, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

3.6. Ordinances; Two Readings Required

Every Ordinance shall, before being put upon its final passage, be read in open Council meeting on 2 different days.

Any of the readings of an Ordinance may be by title only if no Council member present at the meeting requests that the Ordinance be read in full, provided that a written copy of the Ordinance is provided for each Council member and 3 written copies are provided for public inspection in the Council Chambers at the time of its consideration. An Ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was written, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

Upon the final vote on an Ordinance, the ayes and nays of the Council members shall be taken and entered in the record of proceedings. Except as provided in the City Charter regarding ward boundaries (Section 8), overriding vetoes (Section 18 and 34) and election procedures, (Section 30) when 4 affirmative votes are required, the affirmative vote of 3 members of the Council present at the Council meeting shall be necessary to pass the Ordinance.

Upon enactment of an Ordinance, the Recorder shall sign it with the date of its passage, and within 3 days the Mayor shall sign it, veto it or set it aside pursuant to Charter Section 34.

3.7. Resolutions

Every Resolution shall, before being passed, be read in open Council meeting. The reading of a Resolution may be by title only if no Council member present at the meeting requests that the Resolution be read in full, provided that a written copy of the Resolution is provided for each Council member and 3 written copies are provided for public inspection in the Council Chambers at the time of its consideration.

Upon final vote on a Resolution, the ayes and nays of the Council members shall be taken and entered in the record of proceedings.

Upon enactment of a Resolution, the Recorder shall sign it with the date of its passage and within 3 days, the Mayor shall sign it. The Mayor shall have no power to veto a Resolution.

A Resolution enacted by the Council shall take effect immediately.

3.8. Right to Appeal

Any Council member may appeal to the Council from a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his or her reason for the appeal and the Presiding Officer may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote aye, the ruling of the chair is sustained; otherwise it is overruled.

3.9. Reconsideration of Actions Taken

Any member 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, no motion for further reconsideration thereof shall be made without unanimous consent of the Council.

3.10. Expressing and Recording Dissents or Protests

Any Council member shall have the right to express dissent from or protest against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest may be verbal during the meeting or in writing and presented to Council not later than the next regular meeting following the date of passage of the Ordinance, Resolution or decision objected to.

3.11. Code of Ethics

Council members shall conduct themselves so as to bring credit upon the city as a whole, and to set an example of good ethical conduct for all citizens of the community. Council members should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the city as a whole. Council members should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, religion, national origin, gender, age, disability, social station or economic position.

3.12. Decorum

Council members shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Council members shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

3.13. Confidentiality

Mayor and Council members will keep all written materials and verbal information provided them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Mayor, Council members, the City Manager or the City Attorney.

If the Council, in Executive Session, provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the other parties shall be made by designated staff or representatives handling the negotiations or litigation. Neither the Mayor nor a Council member shall not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

If a Council member does not refrain from disclosing such information as required by the Council rules, the Council shall convene and address the matter, as provided in the Censure provision of these rules.

3.14. Council-Staff Relations

Council members shall respect the separation between policy-making and administration by:

- 3.14.1. Not attempting to influence or coerce the City Manager concerning personnel or purchasing rules, as outlined in the City Charter;

3.14.2. Addressing all inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response. At the discretion of the manager or attorney, inquiries may be forwarded to the full Council for consideration;

3.14.3. Limiting individual contacts with City officers and Employees so as not to influence staff decisions or recommendations, undermine the authority of supervisors or prevent the full Council from having the benefit of any information received;

3.14.4. Honoring the confidentiality of discussions with the City Attorney.

3.15. Censure

The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council members act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Council member to the extent provided by law, including public reprimand.

To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council.

Neither the Council nor any member shall have the right to make public any information obtained through such investigation.

Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Council member's ability to represent the interests of the City as a whole, the Council may, upon a majority vote of the Council members (other than the offending member of the Council) impose a censure on the offending member.

3.16. Designation of Hearings Officer to Conduct Special Public Hearings

A hearings officer may be designated by the Council to conduct special public hearings, when appropriate.

SECTION 4. CHAIR AND DUTIES

4.1. The Mayor

The Mayor shall preside at all regular and special meetings and executive sessions of the Council and shall be the recognized head of the City for all ceremonial purposes. The duties of the Mayor are outlined in the City Charter, Section 18.

The Mayor, or President of the Council when acting as Presiding Officer, shall sign all Ordinances, Resolutions, agreements, and contracts approved or adopted by the Council at the meeting at which the action was taken.

4.2. Council President

At the first meeting each calendar year, the Council shall elect a president from its membership. In the Mayor's absence from any Council meeting, the Council President shall act as the presiding officer as outlined in the City Charter, Section 19.

4.3. Temporary Chairman

In event of the absence of the Mayor and Council President, the City Recorder shall call the Council to order and call the roll of the members; if a quorum is present, those Council members present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.

SECTION 5. EMPLOYEE DUTIES

5.1. City Manager

The City Manager shall attend all meetings of the Council, unless excused by the City Council. The City Manager shall make recommendations to the Council and shall take part in all discussions concerning the welfare of the City.

5.2. City Attorney

The City Attorney shall attend all meetings of the Council, unless excused by the City Council. Any member of the Council may at any time call upon the City Attorney for an informal oral opinion. Written opinions shall be required by a majority of the Council. The City Attorney shall be the Parliamentarian, and shall advise the Presiding Officer on any questions of order.

5.3. City Recorder

The City Recorder, or the City Recorder's designee, shall be the Clerk for the Council and shall keep minutes of meetings and shall perform such other duties at the meetings as ordered by the Presiding Officer, the Council or the City Manager. The City Recorder shall furnish each Council member with a copy of the minutes of each preceding meeting in the agenda packet for the next meeting.

5.4. The Chief of Police

The Chief of Police or his designee shall attend each Council meeting, and serve as the Sergeant-at-Arms. For the purpose of retaining order and decorum at the Council meetings, the Sergeant-at-Arms shall carry out all orders or instructions upon direction of the Presiding Officer or upon any other procedure specifically provided by these rules.

5.5. Officers and Employees

Any member of the City Council may request that the City Manager direct any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

5.6. Administrative Staff and City Employees Addressing Council or Public

Members of the City's administrative staff and other City employees desiring to address the Council or members of the public shall first be recognized by the presiding officer. The staff may respond to questions or comments by the Council or members of the public with permission of the presiding officer, but shall always do so in a polite, tactful manner. Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

SECTION 6. PUBLIC CODE OF CONDUCT

6.1. Policy

The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. It is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern. To ensure that the greater public interest is fostered, each citizen or group of citizens who desires to speak before the Council shall have the duty to exercise this right in a manner which furthers the greater public interest.

6.2. Scheduled Agenda Items

For matters that are on a scheduled agenda item, members of the public may do so at the time set for public comment for each agenda item. Any public member desiring to address the Council shall stand and wait to be recognized by the presiding officer. After recognition, the person's name shall be stated for the record and the remarks shall be limited to the question under discussion.

6.3. Public Comment

For matters not involving a scheduled agenda item, any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments in the regular meeting. Any member so addressing the Council shall be limited to a period of three minutes. The Council, in its sole discretion, may extend or shorten this time for all speakers, or may request further information.

6.4. Remarks

All remarks and questions shall be addressed to the presiding officer and not to any individual Council member, staff member or other person without the permission of the presiding officer. No person shall enter into any discussion without being recognized by the presiding officer.

6.5. Common Interest

If any group of three or more persons sharing a common viewpoint, the group shall select a spokesperson, who shall present the views of the group to the Council. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.

6.6. Disruptive Behavior

Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

Any person who disrupts the Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer; any such person may be barred from further remarks before that session of the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations that disrupt the meeting shall not be permitted by the presiding officer. Disorderly conduct at Council meetings may be prosecuted upon appropriate complaint signed by the Presiding Officer.