Rules of Procedure

ADMINISTRATIVE PROCEDURES

Section: City Council
Subject: City Council Rules of Procedure
Effective Date: Revised March 2, 2010
Procedure No.: 5
By Resolution 10-16

1. **PURPOSE**
   These rules implement Lake Oswego Charter Chapter IV Section 14(A), which requires adoption of rules to govern Council proceedings.
2. **COMPLIANCE WITH OREGON PUBLIC MEETINGS LAW REQUIRED**
   All meetings of the City Council shall comply with the Oregon State Public Meetings Law (ORS 192.610 to 192.690), which is hereby incorporated by reference into these rules. All provisions of the Public Meetings Law are applicable to meetings of the City Council even if not expressly set forth in these rules. To the extent that any local procedure conflicts with the Public Meetings Law, the latter shall prevail. [Charter Chapter IV Section 14(B).]
   a. Meetings to be Open to the Public: All meetings of the Council shall be open to the public and all persons shall be permitted to attend, except as otherwise provided by ORS 192.610 to 192.690. A "meeting" is the convening of a quorum of the Council in order to make a decision or deliberate toward a decision on any matter. "Meeting" does not include an on-site inspection of a program or project and does not include attendance at any national, state or regional association to which the Council or its members belong. [Charter Chapter IV Section 14(B).]
   b. Meetings to be Held at Location Open to Public: Meetings shall not be held at any place where discrimination on the basis of race, creed, color, sex, age, sexual orientation, national origin or disability is practiced. Meetings shall not be held at any place inaccessible to the disabled. Smoking in a public meeting is prohibited.
   c. Minutes Required: Written minutes shall be taken for all Council meetings except executive sessions which are audio taped. Minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following:
      i. Councilors present.
      ii. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
      iii. The results of all votes and the vote of each Councilor by name.
      iv. The substance of any discussion on any matter
      v. A reference to any public document discussed.
      [Charter Chapter IV Section 16.]
   d. Meetings to be Electronically Recorded: All meetings of the Council and Council subcommittees shall be electronically recorded. [Charter Chapter IV Section 14(B).]
3. **TYPES OF MEETINGS**
   a. Regular Meetings: The Council shall hold a regular meeting at least twice per month. The regular meeting shall be held on the first and third Tuesdays of each month at 6:30 P.M. in the City Council Chambers, unless the Council cancels or reschedules the meeting. If the regular meeting falls on a legal holiday, the meeting shall be convened at the same time and place on the next regular business day. Notice of a regular meeting shall be given by:
      i. Publication in a newspaper of general circulation in the City;
      ii. Posting written notice in three public places;
      iii. Providing the agenda and supporting material to members of the press who request notice; and
      iv. Providing the agenda to other persons who request copies.
      [Charter Chapter IV Section 14(A); LOC 12.050.]
   b. Special Meetings: Special Meetings may be called by the Mayor or three or more Councilors. At

least 24 hours written or verbal notice must be provided to the Council and to members of the news media and the public who have requested notice. [Charter Chapter IV Section 14(A).]

c. Emergency Meetings: In the case of an actual emergency, an emergency meeting may be called by common consent of all available Councilors upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice. [Charter Chapter IV Section 14(A).]

d. Executive Sessions: An executive session (a meeting closed to the public) may be held in accordance with the Public Meetings Law. The Mayor 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.

   i. Attendance at Executive Sessions: The Mayor shall determine which persons other than the Council shall attend an executive session.

   ii. Media Attendance: Representatives of the news media shall be allowed to attend executive sessions except those called pursuant to ORS 192.660(1)(d) (deliberations with persons designated to carry on labor negotiations). The Mayor shall instruct any media representatives present not to disclose the substance of any discussion during executive session.

   iii. Final Decision Prohibited: No final decision shall be made in executive session. To make a final decision, the presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session.

e. Study Sessions: A special meeting, or any portion thereof, may be designated as a study session. Typically a study session designation indicates that matters of substance will be discussed, but that final action will not be taken. However, this designation does not prevent the Council from taking final action at the meeting if necessary or convenient.

4. **AGENDA**

a. Setting the Agenda: The Mayor shall determine the business to be placed on the Council meeting agenda. Any Councilor may request that an item be placed on the Council Agenda. A majority of the Council may direct that an item be placed on the agenda. [Charter Chapter V Section 19].

b. Delivery: Promptly after it is developed, the agenda shall be delivered to each Councilor together with any supporting materials. Unless a Councilor requests otherwise, the agenda and materials may be delivered electronically or by telephonic facsimile.

c. Alteration of the Agenda:

   i. New matters: Matters not on the printed agenda may come before the Council as determined by the Mayor or a majority of the Council.

   ii. Final Written Land Use Orders: Any Councilor voting with the prevailing side on a tentative land use decision may continue consideration of the final written order to the next regular meeting.

d. Order of Business: The Mayor shall establish the order of business for all meetings except regular meetings. Regular meetings shall be conducted in the following order of business, subject to the right of the Mayor, with Council consent, to alter the order of business:

   i. Call to Order.

   ii. Roll Call.

   iii. Special Presentations by the Council: This agenda item is reserved for the presentation of awards or special recognition to staff or citizens for special or outstanding service.

   iv. Consent Agenda. The purpose of the consent agenda is to expedite the Council meeting by grouping routine or uncontested items of business so that they may be approved by one motion. The consent agenda may include any or all of the items on the regular agenda, except as otherwise prohibited by law. The Mayor and City staff shall develop the consent agenda during agenda setting. The Council by consensus may add any item of business on the regular agenda to the consent agenda. Any Councilor may remove any item from the proposed consent agenda for individual consideration. A vote in favor or opposed to a consent agenda is considered to be an affirmative or negative vote on each of the items on the consent agenda. Approval of a consent agenda containing the reading of an ordinance shall be followed by a reading of the ordinance title.

   v. Items Pulled from Consent Agenda.
   This agenda item is reserved for consideration of items of business pulled from the Consent Agenda pursuant to Rule 4(d)(iv), above.

   vi. Citizen Comment: The purpose of citizen comment is to allow citizens to present information

or raise an issue regarding items not on the agenda. Unless altered by the Mayor, a time limit of three minutes per citizen shall apply. The Council may accept the information, answer the question if simple, or refer the matter to the appropriate City Department for review and response. If the matter is referred, the Council may direct the Department to respond in writing to the citizen or to present the response to the Council in the form of a Council report. In the latter case, the citizen shall be notified of the date on which the report will come before the Council. Citizen comment shall not exceed thirty (30) minutes unless the Council votes to suspend the rules.

vii. Public Hearings.
viii. Written Communications: This agenda item allows the Council to consider written comments from citizens. Review shall be as provided for citizen comment.
ix. Reports of City Commissions or Committees: This agenda item allows members of City Commissions or Committees to raise issues or present information to the Council.
x. Information from Councilors: This agenda item provides an opportunity for individual Councilors to provide information to the Council on matters not otherwise on the agenda. Each Councilor will be given five minutes. This agenda item shall not be used for matters requiring action by the Council. Action items must be placed on the agenda pursuant to Rule 4(a) or 4(c), above.
xi. Departmental Reports.
xii. Orders.
xiii. Ordinances.
xiv. Resolutions.
xv. Reports of City Officers.
xvi. Approval of Minutes: Minutes may be approved without reading if the Council members are given copies prior to the meeting.
xvii. Adjournment.
[Charter Chapter IV Section 17.]

5. **CONDUCT OF THE MEETING**
   a. Quorum: A majority of the members of the Council constitute a quorum for conducting business. [Charter Chapter IV Section 15(A).]
   b. Presiding Officer: The Mayor shall preside at all meetings of the Council. The Mayor shall preserve order and enforce the rules of the Council. In the absence of the Mayor, the Council President shall preside. [Charter Chapter IV Sections 17 & 18.]
      i. Absence of Mayor and Council President: In the absence of the Mayor and the Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. Any Councilor may call a meeting to order for the purpose of electing a presiding officer. [Charter Chapter IV Section 18.]
      ii. Temporary Substitution of Presiding Officer: The Mayor may appoint a temporary presiding officer to cover his or her temporary absence from the meeting by handing the gavel to the Council President or, if the Council President is absent or serving as presiding officer, to any other Councilor.
   c. Rules of Debate:
      i. Rules: The principles set forth in Robert's Rules of Order, latest edition, should be observed in the conduct of Council meetings. However, strict adherence to the requirements of those rules is not required. No action of the Council shall be in violation of this section for the reason that the action was not in conformance with Robert's Rules of Order. [LOC 12.02.010]
      ii. Participation: The Mayor or any Councilor may move a question, second a motion, debate and vote.
      iii. Motions: A question is presented for decision by the Council by means of a motion. A motion shall precede discussion of a question.
      A list of available motions and the rules for passage are set forth in attached Exhibit "A".
         A. Friendly Amendment: A formal motion to amend a main motion shall not be necessary if the proposed amendment is accepted by the maker and the second of the main motion.
         B. Withdrawing a Motion: A motion may be withdrawn prior to a vote by the maker of the motion.
         C. Reconsideration: A motion to reconsider any action by the Council may be made during the same meeting at which the action was taken. A motion to reconsider must

be made by a Councilor that voted with the prevailing side, but may be seconded by any member.

D. Repeal: Except as provided below, any action of the Council may be repealed. A motion to repeal may be offered at any meeting following the meeting at which the subject action was taken. The motion must be made by a Councilor who voted with the prevailing side, but may be seconded by any member. A motion to repeal shall be passed by a two-thirds vote of members present and eligible to vote, unless notice has been given of the intent to offer the motion. If notice of intent is published on the printed agenda, a motion to repeal shall be passed by a majority of members present and eligible to vote. Notice of intent shall be placed on the agenda on one occasion upon the request of any Councilor who voted with the prevailing side. Notice of intent shall not be placed on the agenda on subsequent occasions unless pursuant to Rule 4(a) or 4(c). The following actions may not be repealed:

A. An action that can be reached by a motion to reconsider.
B. An executed contract or agreement.
C. A final written land use decision, unless the motion is made within 21 days of approval and specifies one or more reasons why the findings in favor of the decision are incorrect.
D. An action which either legally or by its nature cannot be undone.

iv. Discussion: Following a motion the Mayor shall call on Councilors for discussion according to their requests for recognition. The moving Councilor shall have the privilege of final comment on the motion. Councilors shall limit their discussion to five minutes each. This time limit may be expanded at the discretion of the Mayor.

v. Preservation of Order: The Mayor shall preserver order and decorum, discourage personal attacks, and confine Council debate to the question under discussion. The Mayor may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey a ruling of the Mayor regarding a matter of order or procedure. The Mayor may summon the assistance of the Lake Oswego Police to assist in maintaining order. [Charter Chapter IV Section 17.]

vi. Points of Order: Any Councilor may request a ruling from the Mayor regarding procedure or preservation of order by calling for a point of order. The Mayor shall determine the point of order, subject to appeal by any Councilor. An appeal shall be decided by majority vote. [LOC 12.02.010.]

6. **VOTING**

a. Method of Voting: The vote on any question shall be taken by voice or by roll call vote. The vote shall be taken by roll call at the direction of the Mayor or at the request of any Councilor. The minutes shall reflect the vote of each Councilor by name. [Charter Chapter IV Section 16}

b. Order of Voting: At the first meeting of each year, the Mayor shall assign a seat on the dais to each Councilor, except that the Mayor shall sit in the center seat and the Council President shall sit directly to the Mayor's left. For roll call votes, the Mayor shall vote first, followed by Councilors' votes called in order of chair position, from the Mayor's right to the Mayor's left. The order of voting shall be rotated each calendar week so that each Councilor has an equal opportunity to vote second and last. No rotation shall occur in any week that no Council meeting is held. The voting order of a meeting shall not change when the meeting is continued to a different week. [LOC 12.015.]

c. Vote Required to Decide a Question: Except as otherwise provided in these rules, the concurrence of a majority of the members present and eligible to vote is necessary to decide a question. No question may be decided with fewer than three affirmative votes, however, unless three or fewer members are eligible to vote on the question. In this event, the question may only be approved by a unanimous vote of those eligible to vote at two consecutive regular City Council meetings. The composition of the membership voting need not be the same at both meetings. [Charter Chapter IV Section 15.]

d. Abstention: Abstentions are discouraged. For the purposes of Rule 6(c) above, an abstention shall not be considered an affirmative vote. Councilors who have a conflict of interest or a disqualifying bias should decline to participate rather than abstaining (See Rule 7, below).

7. **CONFLICT OF INTEREST/BIAS/EX-PARTE CONTACT**

a. Conflict of Interest: Prior to participating in any decision, a Councilor shall declare any potential conflict of interest. No Councilor shall participate in any manner regarding an agenda item if doing so would create an actual conflict of interest.

i. "Potential Conflict of Interest" means any action by a councilor which would be to the private

pecuniary benefit or detriment of the Councilor or a member of the Councilor's household, or a business with which the Councilor or member of the Councilor's household is associated. "Potential conflict of interest" does not include pecuniary affects arising out of:

A. Membership in a particular occupation or class required by law as a prerequisite to holding the office of Councilor; or
B. An action which would affect to the same degree a class consisting of an industry, occupation, or other group to which the Councilor or a member of the Councilor's household belongs.

b. Bias: No Councilor shall participate in any manner in a quasi-judicial decision if the Councilor has actual bias regarding the decision.
   i. "Quasi-judicial decision" means a decision involving the application of existing criteria to identified persons or properties.
   ii. "Actual Bias" means prejudice or prejudgment of facts to such a degree that a Councilor is incapable of rendering an objective decision on the merits of the case.

c. Ex-Parte Contact: Before participating in any quasi-judicial decision, a councilor shall declare any ex-parte contacts. An ex-parte contact is an oral or written communication with a member of the Council regarding the merits of the case made outside of the public hearing process during the pendency of a proceeding. (Communication with staff is not an ex-parte contact). Effective declaration of an ex-parte contact shall include identification of the party and disclosure of the nature of the communication.

8. **COUNCIL SUBCOMMITTEES**

The Mayor, with Council consent, has the power to appoint Council subcommittees. A subcommittee shall have whatever duties and shall serve for any duration the Mayor and the Council deem appropriate. Such subcommittees may be standing or ad hoc committees. Each Council subcommittee shall comply with the Council Rules of Procedure, subject to the following exceptions and additions:

a. Presiding Officer: As its first order of business, each Council subcommittee shall elect a chair to serve as presiding officer.
b. Meetings: The subcommittee may adopt a regular meeting time, or the chair may call special meetings, as the subcommittee deems appropriate.
c. Order of Business: The chair shall determine the agenda and the order of business to come before the subcommittee, subject to the right of a majority of the subcommittee to alter the agenda or order of business.
d. Approval of Minutes: The chair shall approve the minutes by signing and distributing the minutes to the members of the subcommittee. Any member of the committee shall have the right to request amendments to the minutes at the next regular subcommittee or full Council meeting that occurs following distribution of the minutes.

EXHIBIT "A" - LIST OF MOTIONS

To Do	Council Member Says	May You Interrupt a Speaker	Must you be Seconded	Is the motion debatable	Vote Required
Introduce business (a main motion)	"I move that..."	NO	Yes	Yes	Majority
Amend a motion	"I move to amend this motion"	No	Yes	Yes	Majority
Divide the motion into parts for a separate vote	"I move the question be divided..."	No	Yes	Yes	Majority
Suspend further consideration of something *	"I move that we table this matter"	No	Yes	No	Majority
Take up a matter previously tabled *	"I move to take from the table..."	No	Yes	No	Majority

To Do	Council Member Says	May You Interrupt a Speaker	Must you be Seconded	Is the motion debatable	Vote Required
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	No	Majority
Have something studied further	"I move we refer this to..."	No	Yes	Yes	Majority
End debate	"I move the previous question"	No	Yes	No	2/3 vote
Adjourn the meeting *	"I move that we adjourn"	No	Yes	No	Majority
Recess the meeting	"I move that we recess until..."	No	Yes	No	Majority
Complain about noise, room temperature, etc. *	"Point of privilege"	Yes	No	No	No vote
Object to procedure or to personal affront *	"Point of order"	Yes	No	No	No vote, chair decides
Request information *	"Point of information"	Yes	No	No	No vote
Object to considering some matter *	"I object to consideration of this"	Yes	No	No	2/3 vote
Reconsider something already disposed of *	"I move we reconsider action on..."	Yes	Yes	Yes	Majority
Consider something not in scheduled order *	"I move we suspend the rules and..."	No	Yes	No	Majority
Vote on a ruling by the presiding officer	"I appeal the presiding officer's decision"	Yes	Yes	Yes	Majority

* NOT AMENDABLE

[Adopted October 15, 1991, Resolution R-91-50; Amended December 3, 1991, Resolution R-91-59; Amended July 7, 1992, Resolution 92-32; Amended February 2, 1993, Resolution 93-13; Amended January 16, 2001, Resolution 01-02; Amended January 20, 2009, Resolution 09-02; Amended March 2, 2010, Resolution 10-16.]

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