

ORDINANCE NO.00-O-535

In the Matter of an Ordinance Governing the Procedures of the Brookings Common Council

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The city of Brookings ordains as follows:

Section 1. Regular council meeting dates. The common council of the city of Brookings shall have as its regular meeting dates the second and fourth Mondays of each month of the calendar year and further, said meetings shall be held within the council chambers of the Brookings city hall, 898 Elk Drive, Brookings, Curry County, Oregon; EXCEPTING, however, any regular meeting of the common council may be canceled or rescheduled by a majority vote of the council members. The council shall meet in regular session at least once a month.

Section 2. Study sessions. Upon legal notice duly given, the Brookings common council shall have the power to schedule study sessions of the common council of the city of Brookings pursuant to Section 13 of the City Charter, which study sessions may

be called by the mayor or a majority of the members of the council. Each study session shall be devoted exclusively to matters regarding which the interchange of information preliminary to taking action thereon is deemed to be essential. At a study session no formal vote shall be taken on any matter under discussion, nor shall any member enter into a commitment with another respecting a vote to be taken subsequently in a formal meeting.

Section 3. Special meetings. Upon legal notice duly given, the city council shall have and retain all due powers to set other dates and times for special meetings of the common council of the city of Brookings pursuant to Section 13 of the Brookings Charter.

Section 4. Continuance of meetings. Any meetings of the city council may be continued from day to day, or for more than one day, but no continuance shall extend beyond the next regular meeting.

Section 5. Quorum. For the transaction of business by the city council, there shall be present a majority of the members of the council currently holding office. If a quorum is not present, the council clerk shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the council to proceed. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.

Section 6. Public notice required for meetings. Public notice of the time, place, and the principal subjects anticipated to be covered at the council's regular or special meetings, including those for executive session only shall be provided as required in ORS 192. Interested persons and the news media which have stipulated in writing that they wish to be notified of every meeting must be so notified. Such persons, other than those representing the news media, shall be required to express an interest in remaining on the notification list every six (6) months.

Section 7. Written minutes. The council shall provide for the taking of written minutes of all its meetings under the provisions of ORS 192. A summary report of all actions taken by the city council at each of its meetings shall be prepared by the city manager as soon after each meeting as is practicable and shall be distributed to such interested parties as may be determined by the council.

Section 8. Agenda. The city manager shall prepare an agenda of the business to be presented at a regular council meeting, which shall be published in the Curry Coastal Pilot prior to the meeting. Council members shall be given copies of this agenda within 48 hours of the day it is delivered to the newspaper. Additions to the published agenda are not encouraged but may be permitted based on proven need. Non-agenda items brought before the council during a meeting shall normally be for informational purposes only. Unanimous approval of all council members present is a prerequisite for any non-agenda item to be added to the agenda and considered for action.

Section 9. Regular or special meetings to be public. All regular or special meetings and all study sessions of the city council shall be public meetings and open to the public and all persons shall be permitted to attend any meeting.

Section 10. Executive sessions permitted on certain matters. The city council may conduct an executive session during a regular, special or emergency meeting, or study session as long as appropriate statutory limitations are met.

Section 11. Presiding officer at council meetings; calling of roll. The mayor, or in his/her absence, the council president, shall take the chair of city council meetings at the hour appointed and shall immediately call the council to order. The roll shall then be called by the council clerk who shall enter in the minutes of the meeting the names of the councilors present. In the absence of the mayor and the council president, the council clerk shall call the council to order whereupon a temporary presiding officer shall be elected by the members of the council present. Upon arrival of the mayor at the meeting, the council president, if then presiding, shall relinquish the chair upon the conclusion of the business immediately before the council. If a temporary presiding officer is presiding he/she shall relinquish the chair upon the conclusion of the business immediately before the council to the mayor or council president upon the arrival of either.

The council has an obligation to be clear and simple in its procedures and the consideration of the questions coming before it. It should avoid invoking the finer points of parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience and of the citizens of the city in general.

Section 12. Order of business of council. The order of business at regular council meetings shall be as follows except the city manager may delete items IV, V, VI, VIII, IX, and X if there is no specific business under that item and the presiding officer may revise the order of business.

- I. Call to order
- II. Pledge of allegiance
- III. Roll call
- IV. Ceremonies/Appointments/Announcements
- V. Public hearings
- VI. Scheduled public appearances
- VII. Oral requests and communications from the audience
- VIII. Staff reports
- IX. Consent Calendar
- X. Ordinances/Resolutions/Final Orders
- XI. Committee reports
- XII. Remarks from mayor and councilors
- XIII. Adjournment

Section 13. Consent calendar. To make more efficient use of meeting time, the city manager shall place all items which are routine in nature and when no debate is

expected on a "Consent Calendar" to be considered at the council's regular meetings. Any item placed on the consent calendar shall be removed at the request of the mayor or a councilor prior to the time a vote is taken on the Consent Calendar items. All remaining items on the Consent Calendar shall be disposed of by a single motion "to adopt the Consent Calendar", which shall not be debatable. Adoption of the Consent Calendar shall be by the affirmative vote of all councilors present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item shall be voted on separately in the usual manner.

Section 14. Council debate. Debate by the city council shall be conducted as follows:

A. The mayor, or such other member of council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and the presiding officer shall not be deprived of any privileges of a councilor by reason of his/her acting as the presiding officer.

B. Every councilor desiring to speak shall address the chair and upon recognition by the presiding officer, shall confine him/herself to the question under debate.

C. A councilor, once recognized, shall not be interrupted while speaking unless it be to call him/her to order or as herein otherwise provided. If a member of the council, while speaking, be called to order, he/she shall cease speaking on the point until the question of order be determined and if in order, he/she shall be permitted to proceed.

D. The mayor or any councilor shall have the privilege of having an abstract of his/her statement on any subject under consideration by the council entered in the minutes.

Section 15. Addressing council.

A. 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 and shall address such remarks to 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.

B. Public members addressing the council,

1. Any public member desiring to address the council shall wait to be recognized by the presiding officer. After recognition, the person's name and address shall be stated for the record and the remarks shall be limited to the question under discussion. All remarks and questions shall be addressed to the presiding officer and not to any individual councilor, staff member or other person.

No person shall enter into any discussion without being recognized by the presiding officer.

2. Any public member addressing the council shall be limited to five minutes unless further time is granted by the presiding officer. No public member shall be allowed to speak more than once upon any one subject until every other public member choosing to speak thereon has spoken.

3. After a motion has been made or after a public hearing has been closed, no public member shall address the council without securing permission from the majority of the council.

Section 16. Voting by council. Voting by the council on all matters shall be as follows:

A. The council clerk shall call the name of each councilor in attendance and the "aye" or "nay" of each shall be recorded in the minutes of the records of the council proceedings. Any member may change his/her vote prior to the next order of business.

B. Except as otherwise provided in the charter of the city of Brookings, Oregon, a motion shall be deemed carried if a quorum is present and a majority of those voting vote "aye".

C. Every member of the council, when present, has a responsibility to vote upon all matters before the council. Should a council member abstain from voting on a particular matter, he or she shall give a clear and concise reason for the abstention which shall be listed in the written minutes of the meeting.

D. 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.

Section 17. Conflicts of interest. Members of the council and all other persons who serve the city in any capacity (e.g., officer, employee, agent, or otherwise) shall perform their duties in accordance with Oregon's ethics laws as provided in ORS Chapter 244.

A. During a regular council meeting in the month of April each year the city attorney shall review the latest edition of the Ethics Guide for Public Officials with council and staff.

B. Each newly elected or appointed member of the council shall be given a copy of the latest edition of the Ethics Guide for Public Officials prior to the member's participation in any decision making process. It shall be the duty of the city manager, to distribute the guide in a timely manner.

C. Elected officials, appointed officers or employees of the city who have a potential or actual conflict as deemed by ORS 244.020(1) and (7) relative to any matter or ordinance coming before the city council shall declare such conflict immediately upon introduction of the item to the city council by the presiding officer. Disclosure of such potential or actual conflict shall be made a part of the record of the proceedings. Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.

Section 18. Council-administration relations. Members of the council shall have the authority to closely scrutinize, by questions and personal observations, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. Members shall have the authority to discuss any aspect of city government with city officers or employees, however, members are not authorized to issue orders or directives to city officers and employees because the supervision of said officers and employees is the responsibility of the city manager under Ordinance No. 89-0-457. In order to assist the manager in coordinating efforts of all city departments so as to achieve the greatest possible savings through the most efficient and sound means available, recommendations for improvement in city government operations should be made to and through the city manager.

Section 19. Boards and Commissions. The council may establish boards and commissions and provide for their powers and duties, and the council may consolidate, merge, or abolish any of the said boards or commissions. The establishment, consolidation, merger, or abolishment of any boards or commissions shall be accomplished only by ordinance. Unless otherwise required by law or the city charter, all board and commission members shall be appointed by the mayor with the approval of the council. Initial appointments shall specify the term of office of each individual in order to achieve overlapping tenure. All members shall be subject to removal by the appointing authority. Appointments to fill vacancies for unexpired terms shall also be made by the mayor with the approval of the council. Except as otherwise provided in this ordinance, each board and commission shall choose its own chair and vice-chair from its members and operate in accordance with the rules of procedures set forth in this ordinance, unless inconsistent with the provisions of the ordinance establishing the board or commission.

Section 20. Appointments to boards, commissions, and committees.

A. All appointments to city boards, commissions and lay committees shall be made in accordance with the Oregon Revised Statutes, the city charter and Section 19 of this ordinance. Appointees may be appointed to two boards or committees at a time or one commission and one board or committee, but may not be on more than one commission at a time. [Section 20 as amended by Ordinance No. 03-O-474.F, effective June 11, 2003]

B. Upon the expiration of the term of office for any board, commission or lay committee member, public notice of that expiration of term shall be made in the media. The person whose term of office has so expired may, if he/she chooses, apply for reappointment.

C. Upon the start of each calendar year the city manager shall provide to all members of the city council a listing of all board, commission and committee terms due to expire in that year. The city manager shall further give written notice to all members of the city council of the expiration of the term of office of all members of boards, commissions and lay committees appointed by the mayor or council at least thirty (30) days prior to expiration date of said term of office. All appointments shall be presented by the mayor and confirmed by a majority vote of the councilors present and voting. In all appointments the mayor shall endeavor to submit to the council the names of persons nominated for appointment as far in advance as practicable to the date of the meeting wherein said appointment shall be considered.

Section 21. Maintenance of order and decorum of council meetings. It shall be the duty of the presiding officer to maintain order during council meetings. Harsh or abusive language shall not be permitted. In the event of circumstances beyond the ability of the presiding officer to control, that officer is empowered to instruct the police department to preserve order.

Section 22. Orientation of new council members. To ensure an orderly transition or continuance of legislative authority, all newly elected or appointed council members shall be formally advised of current council affairs and procedures.

A. Immediately upon election or appointment to the council, new members shall thenceforth be given copies of all printed materials which are distributed to other members of the council.

B. Within 7 days of election or upon appointment to the council of any new member, the city manager, shall schedule the necessary study sessions for the sole purpose of the orientation of the new member.

C. Within 7 days of election or upon appointment to the council, new members shall be given:

1. The City Charter
2. Ethics Guide for Public Officials
3. Brookings Comprehensive Plan and Land Development Code
4. Selected ordinances and resolutions
5. L.O.C. Handbook for Oregon City Councilors
6. Current city budget and the most recent audit
7. Land Use Planning in Oregon, Rohse
8. Roster of city officials and standing committees

Section 23. Council Member Communications. Unless authorized by a majority vote of the city council to speak on their behalf, any written or oral communication by the mayor or any city council member which could be interpreted as being representative of a position of the city council in general, must contain a disclosure that the communication is solely that of the sender.

Section 24. Evaluation of Council Appointive Officers. Council appointed officers of the city shall have their job performance evaluated at regular intervals. The results of each evaluation shall be reviewed and discussed with the officer and shall be filed in the officer's personnel record.

A. City Manager. The city manager shall be evaluated by the city council using council adopted criteria at least annually. Upon initial employment the manager may be evaluated after his/her third and sixth months of service.

B. Municipal Judge and City Attorney. An annual evaluation of these offices shall be performed by the council in the month of March.

C. City Recorder. The recorder shall be evaluated by the city manager annually and the results of these evaluations shall be presented to the council.

Section 25. Employee Attendance at Meetings.

A. City Manager. The city manager shall attend all meetings of the council unless excused by the mayor or the council. The manager may take part in all discussions concerning the welfare of the city. He/she shall have the authority to make recommendations to the council and when doing so shall present all reasonable alternatives for council consideration.

B. City Attorney. The city attorney, either in person or by deputy, shall attend at least one regular monthly meeting of the council unless excused by the mayor or the council and shall attend all other special meetings, study sessions and events as may be directed by the city manager, mayor or the council.

C. Officers and Employees. Any member of the council may request that the city manager direct any employee to attend any regular, special or executive meeting to confer with the council on matters relating to the city.

Section 26. Severability clause. If any provisions, part or parts of this ordinance shall be held to be unconstitutional, invalid or otherwise inoperative, such invalidity shall not effect other provisions hereof which can be given effect without the invalid provision, the remainder hereof shall remain in full force and effect as a valid and subsisting ordinance until repealed, and to this end the provisions of this ordinance are declared to be severable.

[Effective April 26, 2000]