

CITY OF CASCADE LOCKS

COUNCIL PROCEDURES



ADOPTED October 9th, 2023
RESOLUTION No. 1493
CITY OF CASCADE LOCKS
COUNCIL PROCEDURES

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INTRODUCTION

These rules are adopted as required by the City Charter. These rules are reviewed and updated periodically. This version of the Council Rules replaces those adopted in Resolution No. 1282 on September 24, 2012.

ORS 192.001 et seq., Public Records, Reports and Meetings and relevant portions of the City Charter and Municipal Code are incorporated into these rules by reference.

It is noted at the outset that the Public Meetings Law is a public attendance law intended to ensure that decisions of governing bodies, such as the City Council, are arrived at openly. The following procedures are designed to effectuate that intent. All meetings are open to the public, except Executive Sessions. Consistent with the Public Meetings Law, although all meetings are open to the public, the public may not be allowed to participate in all meetings, unless required by law or allowed by the governing body.

DEFINITIONS

As used in these Rules, the following mean:

Council Committees. All Council committees, commissions, task forces, and advisory bodies as specified in the City of Cascade Locks Municipal Code. These rules do not apply to committees, etc., that have been formed under the authority of the City Administrator.

Council and Council Members. The Mayor, Council President, and Council members.

Council Meetings. All regular Council meetings, special meetings, executive sessions, emergency meetings, work sessions, and joint meetings with other Council committees or commissions.

SECTION 1: AUTHORITY

As authorized by the Cascade Locks City Charter of 1995, the Cascade Locks City Council establishes the following rules for the conduct of its meetings, proceedings and business. These rules shall be in effect from Council adoption until such time as they are amended, added to, deleted or replaced in the manner provided by these rules.

SECTION 2: MAYOR AND COUNCIL

- 2.1 **Presiding Officer.** The Mayor will preside over Council meetings. In the Mayor's absence, the Council President will preside. Whenever the Mayor is unable to perform the functions of the office, the Council President will act as Mayor. In the absence of both the Mayor and Council President, the Council will designate a senior member of the Council to serve as the Presiding Officer.
- 2.2 **Policy Making.** The Council is the policy making body of the City of Cascade Locks. The Council speaks on adopted policy with one voice. Council decisions

may not be unanimous, but once voted upon, define the policy position of the Council, even though individual Council members' opinions may differ.

- 2.3 Filling Vacancies: Any vacancy occurring on the City Council will be filled in accordance with the City of Cascade Locks Charter, Section 30, adopted April 28, 1995.

SECTION 3: COUNCIL MEETINGS

- 3.1 Regular Meetings. Regular meetings of the Council are held on the second and fourth Monday of each month and generally adjourn no later than 10:00 p.m., but may be extended by a consensus of the Council. Regular meetings are held at the City Hall Council Chambers. The time, date, and/or location of the Regular Meeting may be changed from time to time for special circumstances (For example: holidays, joint meetings with other governing bodies, expected large audience, or to have a quorum present). Regular meeting notice requirements will be followed for any changes to regular meetings.
- 3.2 Special Meetings. Special meetings of the Council may be called by the Mayor or by the President of the Council in the Mayor's absence, or by the City Administrator after consultation with the Mayor, by giving notice of the meeting to the Council members and the public at least 24 hours in advance. Special meetings will be topic specific.
- 3.3 Emergency Meetings. Emergency meetings of the Council are Special Meetings that can be called with less than 24 hours advance notice. The meeting will be topic specific and the minutes will state the nature of the emergency justifying less than 24 hours notice. An attempt must be made to notify interested persons and the media of the need for the emergency meeting.
- 3.4 Work Sessions or Training Meetings. Work session or training meetings of the Council may be held at the convenience of the Council at a time when as many Council members as possible can attend. These meetings may be held for Council goal setting, new Council training, Council retreats, planning programs or projects and extended discussions or presentations that would extend or delay the efficient flow of Regular Meetings. Goal setting sessions and retreats may be held out of town so long as no decision making or discussion toward decisions occurs. Any goals arrived at by the process should be confirmed in public at a Regular or Special Meeting. These meetings are public meetings open to public attendance and may be held without opportunity for public input.
- 3.5 Executive Sessions. Executive sessions may be scheduled at any time during a meeting, and usually occur after the regular meeting. Under state public meeting laws, the topics that may be discussed in executive session are limited to the following:

Employment of specific public officers, employees and agents, and under limited circumstances. ORS 192.660(2) (a)

Discipline or dismissal of individual public officers and employees, unless the individual requests a public hearing. ORS 192.660(2) (b)

Performance evaluations of public officers and employees, unless the person being evaluated requests a public/open evaluation. ORS 192.660(2)(i)

Labor negotiator consultations. ORS 192.660(2)(d)

Discussion of exempt public records. ORS 192.660(2)(f)

Legal counsel re: litigation or litigation likely to be filed. ORS 192.660(2)(h)

Real property transactions. ORS 192.660(2)(e)

Public investments. ORS 192.660(2)(j)

Any other purpose as allowed by ORS 192.660 or other applicable law.

Media representatives are allowed to attend executive sessions subject to the understanding that information from the meetings, that is the proper subject of an executive session, will not be reported. The Council has discretion to determine who qualifies as media for purposes of attendance at an executive session.

Council members and staff shall not discuss executive session matters following an executive session because doing so may permit the media to report on the matter. However, this restriction on disclosure does not apply to any formal action that may be taken following executive session.

At the commencement of each executive session, the presiding officer must state on the record the purpose of the executive session and that executive session information is confidential and may not be reported.

- 3.6 Attendance. Council members need to inform the Mayor, Council President, City Administrator, or City Recorder if unable to attend any Council meeting. The Mayor will inform the Council President, City Administrator and City Recorder if unable to attend any Council meeting.

SECTION 4: AGENDA AND ORDER OF BUSINESS

- 4.1 Agenda Content. Regular Meetings will generally follow the following order of business. The Presiding Officer may consider agenda items out of order as necessary to facilitate the efficient management of the meeting:

a. REGULAR MEETING

1. Call to Order

- a. Pledge of Allegiance
- b. Roll Call

2. Additions or Amendments to the Agenda

3. Consent Agenda.

Consent agenda items are business items about which there is expected to be no conflict and are generally routine business items. Consent agenda items usually include Action on Minutes and Payment of Approved Claims, and which do not require a roll call vote.

4. Appearance of Interested Citizens.

This is the time for citizen participation during which citizens may comment on non-agenda issues. Members of the public desiring to address the Council must first be recognized by the Presiding Officer and then state if they are a resident of Cascade Locks for the record. Each person will have up to five minutes to present their comments. Groups with like comments will be asked to choose a spokesperson who will present their joint remarks. If additional time is needed the Presiding Officer may determine the need and additional time limit. The Council may not respond, rebuttal, engage in conversation with or take any action on any item during public comment.

The public will be allowed to comment on Action items and Reports and Presentations at the time in which these are before Council. Each person will have up to five minutes to present their comments.

5. Public Hearings

6. Action Items

The discussion and actions within the Action Items section will be as followed:

- a. Staff Report
- b. Public Comment
- c. Motion
- d. Council Discussion
- e. Council Vote

7. Reports and Presentations

- a. City Committees

The discussion within the Reports and Presentations section will be as followed:

- a. Staff Report/Presenter
- b. Public Comment
- c. Council Discussion

8. Mayor and City Council Comments
9. Executive Session
10. ADJOURN REGULAR MEETING

b. PUBLIC HEARINGS

Public hearings will generally precede the Regular Meeting, but may be held at any time. The procedures governing the public hearing at issue will be in a written form and provided to the Presiding Officer at the time of the hearing. The time allotted for a public hearing may be extended by the Presiding Officer or with consensus of the Council as necessary to conclude the matter; otherwise, the hearing shall be continued.

1. NON-LAND USE HEARINGS. Hearings on non-land use matters and issues are calendared and held as necessary.
2. LAND USE HEARINGS. Land use hearings may be legislative or quasi-judicial.
3. The procedures for public hearings are contained in the Appendix.

4.2 Agenda Preparation.

- a. The City Administrator in coordination with the Mayor sets the agenda for each Council meeting. The City Administrator and Mayor maintain a 2-3 meeting preliminary agenda. Items may be placed on a preliminary agenda by consensus of Council or by the Mayor, City Administrator, or City Attorney.
- b. The City Recorder prepares the agenda, specifying the time and place of the meeting, including a brief general description of each item to be considered by Council, and including any packet materials to be attached to the agenda. The City Recorder prepares the packet on the 4th business day prior to the meeting (Wednesday for a Monday meeting) and all materials for the packet must be provided electronically to the City Recorder by 4:00 PM on the day prior i.e. Tuesday at 4:00 PM. The City Administrator and Clerk will then review and edit all items prior to final distribution to Council. Agendas and packets are distributed to Council and available to the public for review or purchase not later than the 4th business day prior to the meeting (Wednesday for a Monday meeting).
- c. The Mayor or Presiding Officer may add items to the Agenda after it is printed and distributed only when required by business necessity. The Mayor or Presiding Officer may place a new item on the Council agenda after the agenda is printed, if the Mayor or City Administrator provides reasonable explanation to justify this revision and the item receives the consent of the Mayor or Presiding

Officer. The City Recorder will notify the media and any known interested citizens as soon as possible after receiving information about agenda additions. The addition of agenda items after the agenda has been printed is otherwise discouraged.

SECTION 5: COUNCIL DISCUSSION AT PUBLIC MEETINGS

- 5.1 General. Council members should ask the Mayor to be recognized, be direct and candid, speak one at a time, ask questions to clarify information, and be conscious of time limits during discussions. Council members are responsible for facilitating discussions.
- 5.2 Public Hearings. Council members should not make judgments or decisions about matters presented at a public hearing until all relevant written material has been reviewed, and all staff, citizen, and Council comments, opinions and recommendations have been considered. When necessary, it may be appropriate to defer action on a hearing to request new or additional information (subject to evidentiary limitations).
- 5.3 Discussion and Decision Making.
 - a. During decision making, there should be full discussion of opinions and differences. After a decision has been made and a vote taken, that decision is the official decision of the Council. Council members should not criticize other Council members or staff for acting on a decision with which the Council member does not agree. Council members may, however, point out how their individual opinion differs from the majority.
 - b. When the Council concurs or agrees to an item that does not require a formal motion, the Mayor will summarize the agreement and conclusion of the discussion.
 - c. Council members may clarify their views on a particular item prior to taking the formal vote on an item.
- 5.4 Decorum and Order.
 - a. All Council members, staff members and members of the public should speak respectfully and avoid the use of profanity, vulgarity and slanderous comments. Recognizing that the First Amendment precludes the City Council from prohibiting speakers from speaking based upon the content of their speech, the presiding officer shall use their best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward course language as a courtesy to others present or otherwise viewing Council meetings.

- b. The Presiding Officer shall preserve order and decorum, prevent attacks on persons or personalities, confine debate to the subject under discussion, and decides all points of order. Council members help the Presiding Officer preserve decorum during Council meetings and are required to follow the direction of the Presiding Officer and these Council Rules.
- c. The Presiding Officer, or any Council member upon motion and majority vote, may remove any person, Councilor, staff or public, who does not follow these rules and causes repeated disruption of the meeting including but not limited to failure to relinquish the floor after allotted time, disruptive remarks, stamping of feet, clapping, whistling, yells, or other similar actions. If a meeting is disrupted, the Presiding Officer may order that the Council Chambers be cleared and a recess called until order is restored. Alternatively, the Presiding Officer may call for police assistance if deemed necessary to restore order.
- d. The City Manager is responsible for ensuring that members of the city staff in attendance observe the rules of decorum and order set forth in this Policy. Any administrative staff member desiring to address the City Council or members of the public shall first be recognized by the presiding officer. City staff members shall accord the utmost courtesy to the City Council, other administrative staff members and the public.
- e. Council members should not use their opportunity to speak to engage in personal attack or impugn the motives of any speaker.
- f. In the event a Council member is personally offended by the actions or remarks of the Mayor, another Council member, City staff or public they should note the action or actual words used and call for a “point of personal privilege” that challenges the other Council member to justify the action or language used.
- g. Any person, Councilor, staff or public, who is under the influence of drugs or intoxicants may be requested to leave a meeting.

SECTION 6: COUNCIL MOTIONS AT PUBLIC MEETINGS

6.1 General.

- a. Unless otherwise provided for by these rules and by law in the opinion of the City Attorney, the procedure for Council meetings will be governed by the directions shown in this section which highlight the most common actions and situations encountered by Council in its regular public meetings.

- b. Council members should clearly and concisely state their motions. The Mayor/Presiding Officer will state the names of the Council member who made the motion and made the second. The Mayor may make a motion or a second, provided that they first designate the Council President, or in their absence a senior member of Council, as the presiding officer during consideration of the matter.
 - c. Prior to voting on a motion, the motion should be repeated by the Mayor/Presiding Officer to ensure that the action being taken and meeting record is clear.
 - d. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second.
 - e. The Mayor/Presiding Officer will ask for a voice vote for all final decisions. Roll call votes are required when otherwise requested by a Council member and for votes on all ordinances.
 - f. At the conclusion of any vote, the Mayor/Presiding Officer will announce the result of the vote. Council members may change their vote prior to the Mayor/Presiding Officer announcing the results of the vote.
- 6.2 Withdrawal. A motion may be withdrawn by the mover at any time prior to announcement of the results of the vote without the consent of the Council.
- 6.3 Passage. Except in circumstances as provided in the City Charter, a motion passes only if it receives four or more votes, regardless of the number of Council members present.
- 6.4 Postpone.
- a. A motion to postpone to a certain time is debatable and amendable. The matter may be considered later at the same meeting or at a future meeting.
 - b. A motion to postpone indefinitely is debatable and is not amendable. It may be reconsidered at the same meeting only if approved by an affirmative vote. This motion does not really postpone the matter, but effectively rejects the matter without a direct vote.
- 6.5 Call for Question. A motion to call for the question ends debate on the matter and is not debatable. A second is required for this motion and it fails without a majority vote. Debate may continue if the motion fails.
- 6.6 Amendment.
- a. A motion to amend may be made to a previous motion that has been seconded but not voted on. A second is required for this motion. An amendment is made by adding, striking, or substituting words.

- b. Motions to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration, and take from the table may not be amended.
 - c. Amendments are voted on first, then the main motion as amended or not.
- 6.7 Reconsideration. When a question has been decided, any Council member who voted in the majority may move for reconsideration. The motion for reconsideration must be made before adjournment of the meeting in which final action on the ordinance, resolution, order or other decision was taken.

SECTION 7: COUNCIL RELATIONS AND COMMUNICATIONS

7.1 Council Relations With Staff.

- a. Questions of City staff and/or requests for additional information should be directed to the City Administrator or a Department Head through the City Administrator. However, simple questions readily answerable may be directed to a Department Head or senior staff member. Materials or information supplied in response will be provided to all Council members.
- b. When questions relate to matters on a meeting agenda, Council members are encouraged to present their questions to the City Administrator prior to the meeting when possible. This helps to resolve common questions or issues prior to the meeting so that substantive discussion and action can take place at the meeting.
- c. Council members will not direct staff to take any action or initiate any project or study without the approval of a majority of the Council.
- d. Council members should never express concerns about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.

7.2 Council Relations With One Another in Public Meetings.

- a. The City Council is comprised of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the community. The public stage is provided during business meetings and should be used to show how individuals with disparate points of view can find common ground and seek compromise designed to benefit the community as a whole.
- b. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democracy in action.

7.3 Council Relations With Citizens, Other Public Agencies, Community Organizations and Media.

- a. Council members should not ask citizens to appear at a Council meeting to state a complaint or question that has not been previously presented to staff. As a first step, Council members should refer the citizen with questions, complaints or suggestions to the City Administrator or the appropriate Department Head. Council members may further explain that if the citizen is not satisfied with the results, they may present their issue during the public input portion of the next Council meeting. Council members should always inform the City Administrator upon receipt of a citizen inquiry or complaint for which some type of follow up is necessary.
- b. Council members should be welcoming to citizens and other non-staff speakers at public meetings. Council members should ask for clarification where necessary and avoid debate and argument with any member of the public.
- c. In unofficial and non-public meetings or encounters with constituents and other members of the public, Council members should never expressly or impliedly promise Council or staff action of any kind or make any admissions of fault or responsibility on behalf of the City.
- d. All outside communications that represent a Council member's individual interests and opinions in opposition to the Council position must clearly indicate that the communication is not representative of the Council position and is the Council member's personal position.
- e. If a Council member represents the City or Council before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position and then may, thereafter, state the minority position. Personal opinions and comments should be expressed only if the Council member makes clear that the opinions and comments are their own.
- f. A Council member should obtain appropriate permission before representing another Council member's view or position in public.
- g. Council members should use discretion in disseminating staff opinions, correspondence or other staff reports regarding on-going issues prior to the issues being resolved. This is particularly important because disclosure of a document or information may result in the document or information losing any protected or privileged status it may have had under the Public Records Law or other law.

SECTION 8: CODE OF ETHICS

- 8.1 Impartiality and Fairness. Council members are encouraged to 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 benefiting any individual or 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, national origin, sex, age, gender, social station or economic position.

- 8.2 Oregon Statutes on Government Standards and Practices. All Council members are individually responsible for compliance with the Oregon Revised Statutes governing the ethical conduct of public employees and officials. Violation of these statutes may result in personal liability.

SECTION 9: COUNCIL MEETING STAFFING

- 9.1 City Administrator. The City Administrator will attend all Council meetings unless excused. The City Administrator may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote.
- 9.2 City Attorney. The City Attorney will attend Council meetings when requested for a legal issue on the agenda as determined by the Mayor and City Administrator. A consensus of Council may also request the City Attorney's presence at a Council meeting. Legal work desired by a Council member that is beyond routine items shall be previously negotiated for scope and cost and require a consensus of Council for execution. The Presiding Officer assisted by the City Recorder has the authority to rule on questions of order or to answer parliamentary inquiries.
- 9.3 City Recorder. The City Recorder or designee will attend all Council meetings unless excused and keep the official minutes and perform other such duties as may be needed for the orderly conduct of the meeting.
- 9.4 Other Staff. The City Administrator will determine any other department heads that may need to attend Council meetings.

SECTION 10: COMMITTEES

- 10.1 Appointment, Removal, and Replacement Generally.
- a. Citizens interested in serving on a City Committee shall submit an application to the Mayor for his or her consideration. The Mayor is responsible for appointing members to said committees and all appointments are subject to Council approval.
- b. Committee Members may be removed by the Mayor after missing three consecutive meetings without excuse. Removal of Planning Commissioners however will be given special consideration and conducted in accordance with

ORS 227.030. Notice of removal to the affected committee member shall be handled with respect and courtesy.

c. Filling Vacancies for Committees shall be conducted in accordance with procedure established by the City Administrator and approved by the Mayor.

i. The vacancy for Committees shall be posted at least two weeks before the vacancy is filled. The Mayor may make a determination regarding filling the vacancy in the event business is being delayed by the vacancy.

d. The Mayor shall make a determination regarding relatives or members of the same household on the same committee when making individual appointments.

10.2 Liaisons/Representatives to Other Agencies.

a. The Mayor may appoint City liaisons or representatives to all committees and task forces of other agencies and community organizations for which participation of an elected or appointed official from the City is determined to be necessary or beneficial to the City. The Mayor may remove the liaison or representative upon consensus of the Council.

b. The primary role of an appointee is to facilitate communication between the relevant committee and the Council and to represent the City's interests as determined by a majority of the Council.

10.3 Organization of the Committee System.

1. Committees should be identified as a Standing or Temporary Committee.

a. Standing Committees are created by ordinance with the exception of the Budget Committee, which is created by Statute. These Committees can only be dissolved by repeal of the ordinance that created them. The existing Standing Committees are Tourism and Planning. The Tourism Committee has seven members and the Planning Commission has five members.

b. Temporary Committees are created by the Mayor. When creating a Temporary Committee, the Mayor shall:

- i. Write a statement of purpose detailing the task(s) of the Committee.
- ii. Establish a timeline for the duration of the Committee. Generally Temporary Committees would remain in service for one year, but depending on the circumstances and at the Mayor's discretion, there may be variations in the duration of the Committee.
- iii. Determine whether the Committee will consist of five or seven members.

- c. Temporary Committees that do not meet and report agendas and minutes to Council for three consecutive months will be dissolved.

10.4 Guidelines for Committee Operation.

1. Each Committee should operate under the same guidelines. These guidelines should be given to each Committee Member when they are appointed to the Committee. When possible a Committee training session will be offered.
2. Along with established guidelines, each Committee should have the following common traits:
 - a. An agenda for every meeting posted at least 24 hours before the meeting.
 - b. Minutes taken at every meeting. Staff will take minutes for Budget Committee and Planning Commission. A Committee Member for all other committees shall take minutes.
 - c. The Chairperson of the Committee should preside over the meeting and create the agenda for each meeting so as to be responsive to direction from the Council. The Committee will elect the Chair.
 - d. A written or oral report shall be given to the Council at the next Council meeting after the Committee meeting.
 - e. There shall be a joint workshop with the Council at least once per year.
3. Committee meetings shall be held at City Hall or another accessible public location in Cascade Locks.

10.5 Committee Goal Setting.

1. The committee should propose goals to the Council at least once per year. These proposed goals are subject to Council approval.

SECTION 11: USE AND DISCLOSURE OF CONFIDENTIAL INFORMATION

- 11.1 Definition. For the purposes of this section, “confidential” means anything done or communicated in a manner denoting confidence or secrecy, including, but not limited to, information designed to be held in trust or labeled as confidential; information not subject to public disclosure under the State public records or public meetings laws; information disclosed during or in connection with a privileged or protected relationship, such as between an attorney and client; and other information determined to be essential to the fiduciary duties of an elected official to the City. All matters properly discussed in executive session are confidential.
- 11.2 Disclosure of Confidential Information. Council members must keep in complete confidence confidential information to ensure that the City’s position is not compromised. Confidential information may be disclosed or otherwise released

to the public upon a consensus determination by the Council that confidentiality is no longer necessary, or if otherwise instructed by the City Attorney.

- 11.3 Improper Disclosure. Improper disclosure of confidential information is deemed an act outside the course and scope of disclosing the Council member's agency relationship with the City and may subject the Council member to forfeiture of the protections under the Oregon Tort Claims Act, including the right to defense and indemnification, for any damages or liability resulting from or relating to the disclosure of the confidential information.
- 11.4 Statements Relating to Confidential Matters. All public statements, information, or press releases on confidential matters will be made by designated staff or Council representative.
- 11.5 Written Materials. Council members must keep all confidential written materials in complete confidence.
- 11.6 Executive Session. Council members may not communicate any information from any executive session to the media or anyone who was not present at the executive session unless authorized by a consensus of the Council. Information from an executive session does not include information or direction made after the executive session is closed and the regular meeting resumed. If staff is given direction to proceed with negotiations or litigation in a specific matter, Council members may not have any contact or discussion on the matter or subject with any other party or its representative, or otherwise take steps that might interfere with the direction given to staff by Council.

SECTION 12: MEDIA

- 12.1 Open Meetings. All public meetings of the Council and its committees are required by Oregon law to be open to the media, freely subject to recording by any electronic means or photographic means at any time, provided that the arrangements do not interfere with the orderly conduct of the meeting. The Council does have discretion, however, to determine who or what constitutes "the media."
- 12.2 Media Attendance at Executive Sessions. Media representatives are allowed to attend most Council executive sessions subject to the understanding that issues will not be reported. Upon opening the executive session, the Mayor/Presiding Officer specifies what may or may not be reported. The public meetings statute allows the general subject of the discussion to be disclosed. Media representatives are not allowed to tape or video record executive sessions. Media representatives may be restricted from attending executive sessions involving deliberations with persons designated by Council to carry on labor negotiations.

SECTION 13: SUSPENSION OR AMENDMENT OF COUNCIL RULES

- 13.1 Suspension. Any provision of these rules not governed by State law, the City Charter or City Code may be temporarily suspended by a majority vote of the Council.
- 13.2 Amendment. These Rules are in effect from adoption until amended or repealed. Amendments, deletions, additions, or repeal to the Council Rules are made by resolution adopted by the Council.

SECTION 14: EXPENSES AND REIMBURSEMENT FOR MAYOR AND COUNCILORS.

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

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

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

APPENDIX

PROCEDURE FOR PUBLIC HEARINGS

1. Quasi-Judicial Hearings—Ex Parte Contacts and Disqualification.
 - a. Ex parte contacts are an issue only in quasi-judicial proceedings. The term “ex parte” is defined as; “on one side only; by or for one party; done for, in behalf of, or on the application of, one party only”. An ex parte contact is more often a conversation or other contact with the applicant or a witness concerning an application or other quasi-judicial matter. It is not a conversation with staff, or conversation between two Council members or Planning Commission members. It is a conversation between a Council member and a Planning Commission member, or discussion of an application at an unnoticed public meeting, a letter received individually, or a conversation with the applicant or a person interested in the proceeding. Site visits and attendance at a Planning Commission public hearing on a quasi-judicial matter are also ex parte contacts.
 - b. The existence of an ex parte contact or bias will not render the decision void so long as the ex parte contact is disclosed on the record as provided below.
 - c. All ex parte contacts must be disclosed on the record at the first hearing following the communication. The disclosure must explain the substance of the communication, not just the existence. The disclosure must also be public, giving interested persons or parties the right to rebut the substance of the communication. The Council member must also state whether the ex parte contact affects the Council member’s impartiality or ability to vote on the matter. The Council member must state whether he or she will participate or abstain.
 - d. Bias of hearing body member may result from ex parte contacts, or conflicts of interest, or something else. The public and other hearing body members always have the opportunity to challenge a hearing body member’s ability to be impartial.
 - e. Although a Council member may choose to participate, notwithstanding an ex parte contact or bias, the Council member may be disqualified from the hearing by a majority vote of the Council. The Council member disqualified shall not participate in the debate, shall step down from the bench for that portion of the meeting and cannot vote on that motion.
 - f. A Council member who was absent during the presentation of evidence cannot participate in any deliberations or decisions regarding the matter unless the Council member has reviewed all the evidence and testimony received and disclosed for the record that they have done so.
2. Conducting Legislative Hearings. The following is the general order of legislative public hearing proceedings:

- a. The Mayor, or Presiding Officer, announces the convening of the Public Hearing and announces the nature of the matter to be heard as it is set forth on the agenda.
 - b. Discussion of Conflict of Interest of any members of Council.
 - c. The Mayor/Presiding Officer declares the hearing to be open and invites members of the audience to be heard in the following order:
 1. Staff Report
 2. Correspondence
 3. Persons to speak in support of the matter (5 Minute Limit)
 4. Persons to speak in opposition of matter (5 Minute Limit)
 5. Persons to speak neither for nor against the matter (5 Minute Limit)
 6. Staff Rebuttal
 - d. The Mayor/Presiding Officer closes the public hearing.
 - e. The Mayor/Presiding Officer calls for deliberations to start.
 - f. Council deliberations and vote.
3. Conducting Quasi-Judicial Land Use Hearings. The following is the general order of quasi-judicial public hearing proceedings:
- a. Conduct of Quasi-Judicial Hearings for land use hearings must conform to the requirements in Oregon Revised Statutes (ORS Ch. 197 and 227).
 - b. The Mayor/Presiding Officer announces prior to opening the hearing the nature of the matter to be heard as set forth on the agenda and the procedure to be followed for the hearing.
 - c. The Mayor/Presiding Officer gives notice that failure to address criteria or raise any other issue with sufficient specificity precludes an appeal on that criteria or issue.
 - d. Discussion of jurisdiction and impartiality of the Council.
 - e. The Mayor/Presiding Officer then declares the hearing to be open and invites members of the audience to be heard in the following order:

1. Staff Report/Introduction of the Appeal
2. Correspondence
3. Applicant or Appellant's Presentation
4. Other Testimony in support of the application or appeal (5 Minute Limit)
5. Testimony in opposition of matter (5 Minute Limit)
6. Testimony neither for nor against the matter (5 Minute Limit)
7. Applicant or Appellant's rebuttal and recommendation
8. Staff's rebuttal and recommendation
9. Questions from Council to staff

f. The Mayor/Presiding Officer closes the hearing and takes no further testimony from the audience. Under certain circumstances, the record may be left open. Consult with staff.

g. If the hearing is not continued, Council deliberates and votes.

h. The Council has the discretion to adopt the findings or direct the staff or prevailing party to submit proposed findings for Council consideration and adoption at a future meeting.