



CITY OF
GEARHART

Staff Report

For City Council Meeting - 12/4/2024

Subject - New Business - Council Rules

Synopsis: Every time a new mayor or councilor is elected or appointed, they are given the Rules of the Council document. Additionally, all members are given a copy annually and are required to sign the acknowledgement form. A periodic review of the Rules of the Council is done at Council's request. The last official update with changes to the document was done in 2017. With an official review requested, now is an opportune time to discuss potential changes, or distribute the document as is for signatures.

Recommendation: Staff recommends the Council sign as is for now due to the recent election, and schedule a work session to thoroughly review the document and suggest changes. Any changes would need to then be brought back to a Council meeting for approval via simple motion.

Legal Analysis: N/A

Financial Analysis: N/A

Respectfully Submitted,

A handwritten signature in black ink, appearing to be the name 'Chad', written in a cursive style.

Chad

City of Gearhart

Rules of the Council

2024

Gearhart, Oregon
Rules of the Council
Contents

INTRODUCTION

I. SCOPE

II. COUNCIL COMMUNICATIONS GUIDELINES

III. COUNCIL CONDUCT WITH PUBLIC

IV. COUNCIL CONDUCT WITH STAFF

V. USE AND DISCLOSURE OF CONFIDENTIAL INFORMATION

VI. COUNCIL MEETINGS

VII. STATEMENT OF ACKNOWLEDGEMENT

City of Gearhart - Rules of the Council

INTRODUCTION

The Council is the policy making body of the City. Many decisions are not unanimous but once voted upon define the position of the Council.

These rules of the Council are designed to provide a framework to guide Council members in their actions. The rules of the Council operate as a supplement to the existing statutes governing conduct as Council members including the ethics law of the State of Oregon. The Council is committed to excellence in leadership and subscribes to the highest quality of service to its residents and taxpayers.

I. SCOPE

The Council sets policy; staff administers policy. These are separate functions whose boundaries are to be respected.

The underlying authority for action by the Council is the City Charter. Roberts Rules of Order is used as the general guide to parliamentary procedures. Rules should only be changed by the formal act of a majority of Council.

Councilors will conduct themselves by respecting the rule of law, keeping informed concerning the matters coming before the Council and abiding by all Council decisions, whether or not the member voted on the prevailing side.

Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other actions, delay or interrupt the proceedings. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and conduct themselves in a professional manner.

Council will review the Rules every November and submit a newly signed acknowledgement form.

II. COUNCIL COMMUNICATIONS GUIDELINES

Council members shall be open, direct, and candid in the Council forum. Council members' disagreements should be open and respectful.

All Councilors have an opportunity to express their views on issues before the Council. A Council member shall focus on a single issue or topic at a time.

It is appropriate for a Council member to ask questions for clarification and/or additional information.

Time limits may be set on topics, and adhered to by the Council. As a general rule meetings will not exceed two hours. A timekeeper may be assigned. The Mayor will ask if a 5 minute break is needed after two hours. Meetings with interviews will generally be scheduled one hour before the regular meeting with the regular meeting immediately following.

It is agreed that clarification of issues should precede evaluation of issues.

Councilor contributions shall not be ignored by the Council.

A Council member shall speak for herself/himself.

The Council shall strive for closure on an item before moving on to the next topic. A Council member is responsible for being familiar with issues in the pre Council meeting documents. Councilors shall maintain a sense of decorum while speaking.

It is expected that the Council will refrain from alcohol intake or taking drugs that might impair their ability to make decisions prior to meetings.

III. COUNCIL CONDUCT WITH PUBLIC

An individual Council member shall not make promises on behalf of the Council. Council members will frequently be asked to explain a Council action or to give an opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit promises of specific action or promises that City staff will take on a specific action are to be avoided.

It is recommended that a Council member shall continue respectful behavior in private. The same level of respect and consideration of differing points of view deemed appropriate for public discussion should be maintained in private conversations.

IV. COUNCIL CONDUCT WITH STAFF

City staff and Council will attempt to avoid a show of anger or disrespect during a public meeting.

All Councilors' requests for information or questions go directly to the City Administrator, City Recorder or department heads; complaints against staff go to the City Administrator.

Written informational material requested by individual Councilors is given to all Councilors with a notation indicating which Councilors requested the information. If this creates a burden because of the volume of material, only the fact of the request and the Councilors requesting will be presented to the rest of the Council; the material will be made available to any additional Councilors who request it.

As to all matters which have been delegated to the City Administrator, individual Council members shall

not involve themselves in or influence the City Administrator (or any city department head or staff member) concerning the day to day management or administrative affairs of the city (e.g., the awarding of contracts, the selection of consultants, the processing of development applications, the granting of City licenses or permits), except by direction of the entire Council acting in a regular Council meeting.

The Council shall not attempt to change or interfere with the operating rules and practices of any city department except through the City Administrator.

Mail addressed to the Mayor and Council will be circulated by staff as soon as practical after it arrives. The Mayor and Councilors have mailboxes located in the workroom at City Hall. The staff shall not open mail addressed to individual officials without authorization to do so.

We, as a Council, when responding to citizen requests or concerns, shall be courteous, respond to individuals in a positive manner and may, when appropriate, route their concerns and interests through City Staff or at the Council meeting.

Council will refer to Oregon's retention laws in regards to how long items need to be kept before they are destroyed.

V. USE AND DISCLOSURE OF CONFIDENTIAL INFORMATION

Statements Relating to Confidential Matters - All public statements, information, or press releases on confidential matters will be made by designated staff or Council representatives.

Written Materials - Council members shall not disclose any public record that is deemed exempt or conditionally exempt from disclosure under Oregon Law.

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. 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.

VI. COUNCIL MEETINGS

Regular Meetings - Regular meetings of the Council are held on the first Wednesday of each month and generally adjourn no later than 9:00 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.

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 consent of a majority of Council members, by giving notice of the meeting to the Council members and the public at least 48 hours in advance. Special meetings will be topic specific.

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.

Electronic meetings - The City will use an electronic meeting format when necessary during any emergency when meeting in person is not possible or safe. It is expected if the technology is available that the camera view will be used, especially when speaking to the group and when a vote of the Council members is taken. Staff will have the ability to mute a participant during the meeting if meeting decorum is disrupted at the call of the Mayor.

Worksession or Training Meetings - Worksession 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, or longer worksession for planning programs or projects. 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 meeting. These meetings are public meetings open to public attendance and may be held with or without opportunity for public input.

Executive Sessions - Executive sessions may be scheduled at any time. Under state public meeting laws, the topics that may be discussed in executive session are specified in the Oregon public meetings 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 should not discuss executive session matters following an executive session. 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.

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.

VII. STATEMENT OF ACKNOWLEDGEMENT

To assure the public confidence in the integrity of the City of Gearhart, Council members are held to an ethically responsible standard of conduct. For this reason, Council members believe the rules of the Council are as important to the public process as other rules and procedures. It is also recognized that there may be times when action is required to correct behavior that violates the rules of the Council.

Council members will receive a copy of the rules of the Council and will affirm in writing that they have received the rules, understand the provisions, and pledge to conduct themselves by the ground rules. A periodic review of the rules of the Council will be conducted to ensure that they are an effective and useful tool.

Councilor's Signature

Date