

**RESOLUTION NO. 2322**

**A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A CITY COUNCIL PROTOCOL MANUAL, ESTABLISHING COMMUNICATION GUIDELINES AND COUNCIL PROTOCOLS AS SINGLE SOURCE REFERENCE DOCUMENT.**

WHEREAS, the Wilsonville City Council believes effective municipal governance requires that individual Council members adhere to a general set of principles when dealing with each other and the general public; and

WHEREAS, the Council desires to conduct its meetings in a manner that is courteous, effective, and efficient; and

WHEREAS, providing a single source reference document containing the Council protocol and communication guidelines will aid in fostering an environment that is fair, open and responsive.

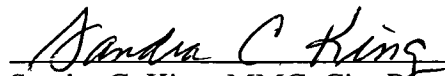
NOW THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council adopts the *City of Wilsonville City Council Protocol Manual*, attached here to as Exhibit A, as if fully set forth herein, as a single source reference on Council protocol and communication.
2. This resolution is effective the date of adoption.

ADOPTED by the City of Wilsonville at a regular meeting thereof this 19th day of September, 2011 and filed with the Wilsonville City Recorder this date.

  
TIM KNAPP, MAYOR

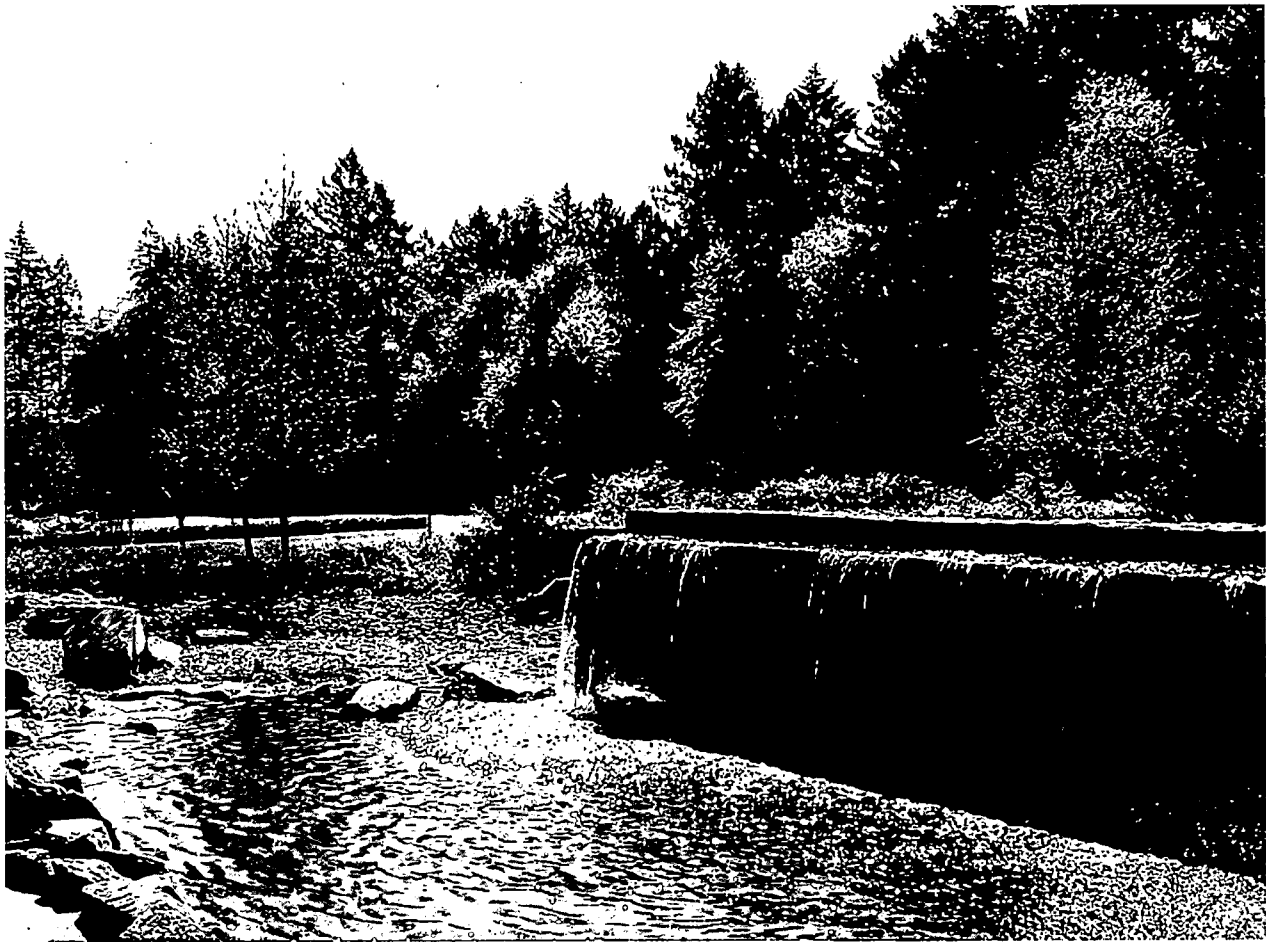
ATTEST:

  
Sandra C. King, MMC, City Recorder

**SUMMARY OF VOTES:**

Mayor Knapp - Yes  
Council President Núñez - Yes  
Councilor Hurst - Excused  
Councilor Goddard - Yes  
Councilor Starr - Yes

**CITY OF WILSONVILLE**  
**CITY COUNCIL PROTOCOL**  
**MANUAL**



**ADOPTED BY RESOLUTION NO. 2322**  
**SEPTEMBER 19, 2011**

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## **PREFACE**

The following is a single source reference document on the Wilsonville City Council's protocols and communication guidelines. The protocols and guidelines included in this reference document have been formally adopted by Council Resolution No. 2322.

The Wilsonville City Council believes that effective municipal governance requires that individual Council members adhere to a general set of principles when dealing with each other and the general public. Furthermore, the City Council desires to conduct its meetings in a manner that is courteous, effective and efficient, while fostering an environment that is fair, open and responsive to the needs of the community. Members of the Wilsonville City Council will:

- ❖ Trust and respect the opinions of fellow Council members, and be well informed and participate in the decisions of the Council.
- ❖ Accept responsibility to attend all Council meetings and Council sub-committees assigned.
- ❖ Fulfill obligations to share with other Council members the membership on the committees assigned.
- ❖ Provide appropriate notification to the Mayor, Council President, City Manager, or City Recorder of an absence as soon as possible prior to the meeting time.
- ❖ Not disclose information which is confidential and, when asked by the public for information that is still confidential, will state that the information is confidential.
- ❖ Make every attempt to resolve any conflict with a fellow Council member prior to bringing the conflict to the attention of the Council.
- ❖ Expect to be informed of all issues and data in a timely manner.

## **COUNCIL MEETING EXPECTATIONS**

- ❖ Try to make the citizens comfortable and part of the process at the meetings.
- ❖ Make visitors comfortable by being courteous, respecting their opinions, and by showing trust and respect for visitors.

- ❖ Do my best to communicate in clear, concise and audible language and written communications.
- ❖ Strive to maintain a tone of voice that is friendly and sincere.
- ❖ Honor and act on all requests for action and/or information in a timely and courteous manner.
- ❖ Discuss issues, but not personalities with non-Council members. After an issue has been voted on, a councilor will speak for him/her carefully, in a manner that does not undermine the integrity or motives of the Council, if his/her opinions are different from the Council's.

**COUNCIL FINAL AUTHORITY ON GUIDELINES:** All questions regarding these guidelines shall be resolved by majority vote of the City Council.



**WILSONVILLE CITY COUNCIL  
PROTOCOLS & GUIDELINES**

**I. COUNCIL MEETINGS**

1. **Regular Meetings** – Consistent with Charter Section 13, regular meetings shall be held at least once each month in the city at a time and place which it designates. Pursuant to Section 2.003(1) of the Wilsonville Code (WC) Regular meetings of the Council shall be held on the first and third Monday of the month at 7 p.m. in the City Council Chambers, Wilsonville City Hall, 29799 SW Town Center Loop, except that when a first or third Monday falls on a legal or national holiday, there will be no regular City Council meeting held that week. However, this shall not prevent the City Council from otherwise calling a special meeting for such purposes as it determines. All regular meetings of the Council shall be held within the City of Wilsonville
  - a. **Other Locations** – The Council may, from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of Oregon Revised Statutes (ORS) 192.610-690.
  - b. **Location During Local Emergency** – If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the Council Chambers, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, if the Mayor does not so designate, by the Council President or City Manager.
  - c. **Canceled Meetings** – When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that month shall be held on such date and at such times as may be directed by the Council.
2. **Special Meetings & Emergency Meetings** – Special meetings and emergency meetings of the Council may be called and held consistent with WC Section 2.003(2) and ORS 192.640.
3. **Adjourned Meetings** – The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment.
4. **Executive Sessions** – Consistent with ORS 192.640-660, the Council may hold an Executive Session during any regular or special meeting, or any time otherwise authorized by State law to consider or hear any matter

which is authorized by State law to be heard or considered in closed session.

- a. The City Council may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions.
- b. Council members may not reveal the nature of discussion from a closed session unless required by State law.
- c. The City Council shall take no final action on any matter discussed or deliberated on while in executive session.
- d. The general subject matter for consideration shall be expressed in an open meeting before such session is held. Executive sessions may be held to discuss certain matters specified by State law, including:
  1. Initial employment of public officials and employees;
  2. Dismissal or disciplining of an officer or employee or performance evaluation of an officer or employee, unless the officer or employee requests an open meeting;
  3. Deliberations with persons designated to negotiate real property transactions;
  4. Deliberations with persons designated to conduct labor negotiations;
  5. Discussion of records that are exempt from public inspection;
  6. Negotiations involving matters of trade and commerce when the unit of government is in competition with other areas;
  7. Legal rights and duties of a public body with regard to current litigation or litigation likely to be filed;
  8. Review and evaluation of an executive officer, public officer, employee or staff member, unless an open hearing is requested by the person being reviewed; or
  9. Negotiations regarding public investments.

5. **Cancellation of Regular Meetings** – Any meeting of the Council may be canceled in advance by a majority vote of the Council, provided that the Council meets the “one meeting per month” provision of the City’s charter.
6. **Quorum** – Consistent with Charter Section 15, a majority of the incumbent members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.
7. **Chair** - Consistent with Charter Section 17, the Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The Mayor is responsible for preserving order, enforcing Council rules, and determining the order of business under the rules of the Council.
  - a. **Absence of Mayor** – Consistent with Charter Section 18, The Council President shall preside in the absence of the Mayor and shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order.
  - b. **Mayor & Council President Absence** – In the absence or unavailability of the Mayor and the President of the Council, the City Recorder, shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the council present and that person, for the time being, shall have the powers of the Mayor. Upon arrival of the mayor or the President of the Council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.
8. **Attendance by the Public** – Pursuant to ORS 192.610-690, and except as specifically provided by State law for executive sessions, all meetings of the Council shall be open, public and accessible.
9. **Minutes** – Minutes of the Council will include paraphrased information on what took place at a given meeting, final motions, vote tally (in the event of a no vote by one or more Council members, the tally shall indicate yes and no votes by name,) attendance of Council members and staff, and the names of any interested party providing testimony before the Council. Speeches, presentations, statements or discussions will not be described verbatim, except when the information is necessary to understand what took place. An electronic recording of the meeting shall be kept and maintained in accordance with ORS 192.005 to 192.710.
  - a. **Comments for the Record** – If a Council member desires for a comment to be included in the minutes, it is his or her

responsibility to indicate that the statement is “for the record” before making the comment(s).

- b. **Timing of Council Approval of Minutes** – Minutes of meetings are generally submitted for Council approval at the next regularly scheduled meeting for approval as provided in W.C. 2.003(g).
- c. **Recording of Meetings** – Audio recordings of proceedings are maintained by the City Clerk for a period specified by State law.

## II. ORDER OF BUSINESS

1. **General Order** Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Recorder, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the Business of the Council shall be taken up for consideration and disposition in the order set forth below (unless otherwise specified). A closed session may be held at any time during a meeting consistent with State law. The Council may, at its discretion and upon the approval of a majority of a quorum present, change the order of business before it.

Call to Order

Roll Call

Pledge of Allegiance

Motion to approve the order of the agenda

Mayor’s Business

Communications

Citizen Input & Community Announcements

Councilor Comments, Liaison Reports & Meeting Announcements

Consent Agenda

New Business

Continuing Business

Public Hearing

City Manager’s Business

Legal Business

Adjourn

2. **Items on the Agenda – WC2.003(3)** All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least twenty-four (24) business hours prior to each Council meeting, be delivered to the City Recorder whereupon the City Recorder shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as

time for preparation will permit. As a general rule the packet of such items, together with the agenda shall be delivered to the Council one week in advance of the meeting.

3. **Items not on the Agenda** – Pursuant to ORS 192.640, the City shall publish a list of the principal subjects anticipated to be considered at the meeting, “but this requirement shall not limit the ability of a governing body to consider additional subjects.”
4. **Communications** – All special presentations will be calendared and coordinated through the Mayor and will be limited to a time period not to exceed 15 minutes at each Council meeting. The Mayor may grant an exception to this requirement on a case-by-case basis.
5. **Citizen Input and Community Announcements** – This is a time for citizens to address the Council on items not on the agenda for public hearing or to make community announcements. Generally, three minutes shall be allotted for speaking time, but the Mayor may grant an exception to this requirement on a case-by-case basis.
6. **Council Comments, Liaison Reports and Meeting Announcements**–
  - a. **The Council Comments and Liaison Reports** section of the agenda provides Council the opportunity to briefly comment on Council business, City operations or projects; provide verbal reports as sitting members of or as a liaison to, regional or local boards/commission/committees.
  - b. **Council Announcements** – Council announcements will be limited to notifications of community events, functions, and other activities. Concerns or matters of current, pending or future Council deliberation are not considered announcements.
7. **Consent Agenda**– Routine items of business that require a vote but are not expected to require discussion or explanation shall be placed on the consent calendar. These items are voted on as one item to reduce the length of the agenda and the length of Council meetings. Any item that is placed on the consent calendar may be pulled for discussion at the request of a Councilor.
8. **New Business** – Items scheduled that are expected to have staff explanation and/or presentation and councilor discussion prior to a vote.
9. **Continuing Business** – Business that is returning to Council for further discussion, information or, in the case of ordinances, a second reading, prior to a vote of the Council.

10. **Public Hearing** – An evidentiary hearing (quasi-judicial) or legislative hearing before the Council. (See Section V. 1.)

11. **City Manager's Business**

a. **Monthly Reports** – The following reports will be included in the agenda packet for the first regularly scheduled meeting of each month, and others as appropriate or requested by Council:

1. **Financial Report** – A condensed report of the City's finances by operating fund. The City Council shall receive one detailed financial report on a quarterly basis.
2. **Master Calendar** – A calendar of major agenda items planned for upcoming meetings.
3. **Council Discussion Items Follow-up Report** – A simple spreadsheet documenting issues raised by Council members during the Council Discussion portion of the agenda that require further follow-up by staff.
4. **Public Projects Update** – A brief description of current or planned public projects, updated monthly.
5. **Planning Report** – A brief description of planning and land use related issues.
6. **Police Report** – A brief report on crimes and traffic citations pertinent to the City of Wilsonville.
7. **Building Permit Activity Report** – A monthly report of all commercial, industrial and residential building permit activity in the City of Wilsonville.

b. The Council may comment on any such report during Council Comments or under City Manager's Business thereafter.

12. **Standard Adjournment** – The Council establishes 10:00 p.m. as the hour of adjournment and will not continue beyond 10:00 without a majority vote of the Council. To assist in making the determination to continue an item under consideration, the Council should find that discussion, deliberation, and action on the item can be concluded by 11:00 p.m.

The Council will not hear any new agenda items past 10:00 p.m. without a majority vote of the Council. A determination should be made by Council

that any new item(s) can be discussed, deliberated and action taken before 11:00 p.m.

If an agenda item(s) remains after the 10:00 p.m. adjournment, a special meeting may be scheduled or the item(s) deferred until the next regular meeting.

### III. RULES OF CONDUCT FOR COUNCIL MEETINGS

1. **General Procedure** – It is the policy of the Council not to become involved in the entanglements over “parliamentary procedure.” Consistent with the City Charter and any applicable City ordinance, statute or other legal requirement, any issue or procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, or the presiding officer subject to appeal to the full Council in accordance with W.C. 2.003(4).
2. **Addressing Members of the Public or Staff** – In addressing the public and members of the City’s staff, Council members will generally refer to persons as Mr. or Mrs., or Ms. followed by their surname. Staff shall refer to Council members as Mayor or Councilor followed by the surname of the person being referred to.
3. **Authority of the Chair** –
  - a. The Mayor or presiding officer shall preserve strict order and decorum at all regular and special meetings.
  - b. Subject to appeal to the full Council, the Mayor shall have the authority to prevent misuse of motions, or the abuse of privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous, fair, and should presume that the moving party is acting in good faith.
  - c. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined and if in order, the member shall be permitted to proceed.
4. **Mayor to Facilitate Council Meetings** – In the role as facilitator, the Mayor will assist the Council to focus on the agenda, discussions and deliberations.
5. **Council Deliberation & Order of Speakers** – The Mayor is delegated the responsibility to control debate and the order of speakers. Speakers will generally be called upon in the order they make the request to speak.

- a. **Questions Addressed to Another Councilor** – With the concurrence of the Mayor, a Council member holding the floor may address a question to another Council member and that Council member may respond while the floor is still held by the Council member asking the question. A Council member may opt not to answer a question while another Council member has the floor.
6. **Limit Deliberations to Item at Hand** – Council members will limit their comments to the subject matter, item or motion being currently considered by the full Council and shall avoid all personalities and indecorous language.
7. **Length of Council Comments** – Council members will govern themselves as to the length of their comments or presentation, preferably no longer than 3 to 5 minutes. However, no member shall speak on any one matter in excess of ten minutes without the consent of the members constituting a quorum.
  - a. The Mayor shall act as the arbiter in determining how long an individual Council member may speak on an item. The intent of this policy is not to limit debate, but rather to assist Council members in their efforts to communicate concisely.
8. **Obtaining the Floor** – Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any Council member who seeks the floor when appropriately entitled to do so.
9. **Motions** – Motions may be made by any member of the Council, including the Council President. Any member of the Council, other than the person offering the motion, may second the motion.
10. **Procedure for Motion** – The following is the general procedure for making motions:
  - a. Before a motion can be considered or debated it must be seconded.
  - b. Council members wanting to make a motion should notify the Mayor of their intent to do so.
  - c. A Council member wishing to second a motion should do so through a verbal request to the Mayor.



- d. Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion to the full Council.
  - e. Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, provided, however, Council members may be allowed to explain their vote.
11. **Motion Amendments** – When a motion is on the floor, and an amendment is offered, the amendment should be acted upon prior to acting on the main motion.
12. **Motion of Intention** – A Motion of Intention process is generally limited to matters legally required to be supported by findings.
- a. In proceedings identified as quasi-judicial on the agenda, when the City Council takes an action that is substantially different from the staff recommendation, the Council may utilize the Motion of Intention process.
  - b. A Motion of Intention provides staff direction as to the City Council's action through a formal motion.
  - c. Based on this motion, staff revises the necessary findings, resolutions and or/implementing documentation for the City Council's action at the next scheduled meeting.
  - d. Upon receiving a Motion of Intent by a Council member, the Mayor should make sure that the hearing on the matter resulting in the motion is closed prior to a vote.
13. **Ordinances** – Motions offering ordinances are deemed to include waiver of full reading of the ordinance unless otherwise specifically stated.
14. **Voting** – Pursuant to Charter Section 19, the concurrence of a majority of the Council voting when a quorum of the Council is present shall decide any question before it. No Council member present at a Council meeting shall abstain from voting without first stating reasons in detail at the meeting. If the vote is a voice vote, the Mayor shall declare the result. The results of the vote shall be clearly set forth in the record.
15. **Abstention** – If a Council member abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not deemed to be voting for the purposes of determining whether there has been a majority vote of those members present and voting.

- a. When a Council member abstains or excuses themselves from a portion of a Council meeting because of a legal conflict of interest, the Council member must briefly state on the record the nature of the conflict. The inclusion of this information in the public record is required by law.

16. **Tie Votes** – A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

17. **Motions for Reconsideration** –

- a. Motions for reconsideration of a matter may be made at the same meeting or at the next succeeding meeting following a Council action.
- b. A proposed motion for reconsideration at the next succeeding meeting must comply with Oregon Open Meeting Laws.
- c. Motions for reconsideration may only be made by a Council member that voted with the majority of the City Council on the action proposed to be reconsidered by the Council.
- d. In the case of a tie vote, the prevailing side or the majority of the Council will be deemed to be those Council members who voted in the negative.
- e. Any member of the Council may second a motion for reconsideration.

18. **Non-Observance of Rules** – Rules adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rule shall not affect the jurisdiction of, or invalidate any action taken by the Council.

19. **Dress Code for City Council Members** – It is the policy of Council to create a dignified and professional environment for Council meetings and should dress accordingly. “Business casual” is an acceptable manner of dress for all Council meetings, workshops, committee and sub-committee meetings, and all other events in which Council participates or attends. The Dress Code policy shall also apply to any individual Councilor representing the City in their official capacity as a City Councilor.

1. "Business Casual" shall mean, with respect to male members:
  1. Dress slacks with dress shirt.
  2. Dress slacks with sweater.
  3. Khaki slacks with dress shirt or sweater.
  4. Casual shirts with collars or band collars, golf shirts, and turtlenecks are acceptable.
  5. Shorts, when appropriate.
2. "Business Casual" shall mean, with respect to female members:
  1. Shirt or slacks with shirt, blouse or sweater.
  2. Dress, or skirt with shirt, blouse, or sweater
  3. Dress capris or crop pants.
  4. Sleeveless top with appropriate cover.
  5. Shorts, when appropriate.

**20. Use of Handheld Electronic Devices During Council Meetings** – The use of handheld electronic devices by members of the Council and the general public is prohibited during Council meetings. Council finds the use of these types of devices an impediment to conducting respectful and efficient meetings. However, in the event of a personal/family emergency, a Councilor may announce he/she is responding to a personal phone call and leave the dais to do so. This prohibition does not apply to members of the press, or to any staff member needing to operate such devices in the normal scope of their job responsibilities or in the case of an emergency.

#### **IV. QUASI-JUDICIAL PROCEEDINGS**

1. **Defined** – Quasi-judicial proceedings are those proceedings in which the City Council is required to make findings based on an evidentiary record as to the entitlement. This type of hearing is also referred to as an "Evidentiary Hearing". In quasi-judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings include conditional use permits, variances, site development applicant appeals, and enforcement of nuisance provisions.
2. **Identification on the Agenda** – Quasi-judicial proceedings will be identified as such on the Council agenda by including in the heading "Quasi-Judicial Proceeding."
3. **Ex-Parte Communications** – An ex-parte communication is a communication made with a Council member outside the Council Chambers with any person except the City Attorney concerning a quasi-judicial proceeding to be heard by the City Council or a staff member

concerning a quasi-judicial land use matter to be heard by the City Council.

- a. When a Council member has an ex-parte communication concerning a subject that is the basis of a quasi-judicial proceeding before the Council, the Council member must state for the public record the nature of that communication. Council members must indicate with whom the ex-parte communication was made and provide a brief statement as to the substance of the communication.
- b. A Council member may make an oral presentation of the nature of the communication or provide a written statement to be read into the public record.
- c. If challenged by a member of the public in attendance that such ex parte contact has otherwise prejudiced or biased the member in hearing the matter the Council shall determine the issue before proceeding.

## V. PUBLIC HEARINGS

1. **General Procedure** – WC 5.560 provides for evidentiary hearing procedures (quasi-judicial) and the Council may also conduct legislative public hearings. While there may be some differences depending on the type of hearing, the Council procedure for the conduct of a public hearing is generally as follows:
  - a. The Mayor opens the public hearing.
  - b. Staff presents the staff report.
  - c. Council may ask questions of staff for clarification on issues raised in the staff report.
  - d. In an evidentiary hearing the applicant or appellant then has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony.
  - e. Members of the public are provided with the opportunity to present their comments, testimony or argument. Generally, the order of public comment will be: those in favor, those in opposition, and those neither in favor nor opposed.

- f. In an evidentiary hearing the applicant or appellant is given an opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for closing comments.
  - g. The public hearing is closed.
  - h. The Council deliberates on the issue.
  - i. If the Council raises new issues through deliberation and seeks to take additional public testimony, (questions of the public, applicant or appellant), the public hearing must be reopened. At the conclusion of the public testimony, the public hearing is again closed. Note: in land use matters, special rules may apply for leaving the record open and staff or the City Attorney may be consulted in this regard.
  - j. The Council deliberates and takes action.
  - k. The Mayor announces the final decision of the Council.
2. **Time for Consideration** – Matters noticed to be heard by the Council will commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.
3. **Continuance of Hearing** – Any hearing being held or noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice or continuance, be continued or re-continued to any subsequent meeting.
4. **Public Discussion at Hearings** – When a matter for public hearing comes before the Council, the Mayor will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter, in addition to those who have filled out speaker cards.
- a. **Public Member Request to Speak** – Any person desiring to speak or present evidence shall make his/her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. All persons providing testimony should fill out a “request

to speak” slip and clearly state their name and address for the record.

- b. **Council Questions of Speakers** – Members of the Council who wish to ask questions of the speakers or each other during the public hearing portion may do so but only after first being recognized by the Mayor. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. Council members should avoid raising questions as a method to extend the allocated time for a speaker.
  - c. **Due Process** – The Mayor shall conduct the meeting in such a manner as to afford due process.
  - d. **Public Oral Presentations** – All Council rules pertaining to oral presentation by members of the public apply during public hearings. The Mayor, subject to appeal to the full Council may limit or extend the time to speak. Generally, individuals should be limited to 3 to 5 minutes, and group presentations, such as an applicant team in a land use matter, to 15 minutes.
  - e. **Materials for Public Record** – All persons interested in the matter being heard by the Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the City Clerk as part of the official record of the hearing, unless otherwise directed.
  - f. **Germane Comments** – No person will be permitted during the hearing to speak about matters or present evidence which is not germane to the matter being discussed. A determination of relevance shall be made by the Mayor, but may be appealed to the full Council.
5. **Communications and Petitions** – Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Mayor. A reading in full shall take place if requested by a majority of the Council.
6. **Admissible Evidence** – Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which a reasonable and responsible person is accustomed to rely upon in the conduct of serious affairs.

## VI. ADDRESSING THE CITY COUNCIL

1. **Staff Presentations** – Staff presentations will be limited to 10 minutes. Longer staff presentations must be approved by the City Manager prior to the Council meeting.
2. **Oral Presentations by Members of the Public** – Oral presentations by members of the public at City Council meetings are as follows:
  - a. Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Council should fill out a speaker card and submit it to the City Recorder who will give it to the Mayor.
  - b. When called upon, the person should come to the podium, state his/her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.
  - c. All remarks should be addressed to the Council as a whole, not to individual members thereof.
  - d. Questions, if any, should be directed to the presiding officer who will determine whether, or in what manner, an answer will be provided.
3. **Citizen Input**– Citizen Input is that portion of the City Council meeting set aside for members of the public to address the City Council on items of any city business other than scheduled agenda items.
  - a. **Timing** – Citizen Input is generally permitted at the beginning of a Council meeting just after Mayor's Business and Communications. Public comment is limited to 3 minutes per speaker, but may be extended at the discretion of the Mayor.
  - b. **Speaker Cards** – Persons wishing to speak under Citizen Input should identify themselves at the appropriate time.
  - c. **City Business** – Presentations under Citizen Input are limited to items within the subject matter jurisdiction of the City.
  - d. **Council Response Prohibited** – Where a speaker requests a City response under Citizen Input, the City Council or staff at the Council direction may answer the request if sufficient facts are known and can be readily answered. The Mayor, however, may request the City Manager to provide additional information at a

later date on a matter of general interest to the full Council or the public at large. To insure the most efficient use of staff time, and to insure that a majority of the Council wishes to take formal action on a matter brought before the Council during Citizen Input, Council member requests for policy consideration or reconsideration should be made through the Council's Request for Policy Consideration process.

e. **Council Interaction with the Public** – If a Council member believes that a material misstatement of fact has been made by a person during the public comment portion of the agenda, the Council member may ask the City Manager or City Attorney to correct or otherwise clarify the matter or the Council member may provide a direct response at that time. If a spontaneous response is not possible, the Mayor should direct the City Manager to either respond directly to the individual making the request once all the facts are established, or require the City Manager to clarify the issue at the next regular Council meeting for the benefit of the Council and the general public.

f. **Repetitious or Dilatory Comments Prohibited**

1. A speaker shall not present the same or substantially same items or arguments to the Council repeatedly or in a dilatory manner. If a matter has been presented orally before the Council, whether the Council has taken action, or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further.

Nothing in the foregoing precludes submission of comments to the City Council in writing for such action or non-action as the Council, in its discretion, may deem appropriate.

2. In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

Whenever a group of people wish to address the Council on the same subject matter, those persons are encouraged to designate a spokesperson to address the City Council. The Mayor may extend the time allocation for a designated spokesperson.



- g. **Waiver of Rules** – Any of the foregoing rules may be waived by majority vote of the Council when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.
- h. **Non-Exclusive Rules** – The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Council, or of its presiding officer, to govern the conduct of City Council meetings as may be considered appropriate from time to time or in a particular circumstance for purposes of orderly and effective conduct of the affairs of the City.

## **VII. POLICY DECISION MAKING PROCESSES**

- 1. **Council Member Appointments and Assignments** – The Mayor appoints, and the City Council confirms Council member assignments to outside agencies, committees, taskforces and liaison roles, as outlined in Resolution No. 2267, attached hereto as Appendix G.

WC 2.320 (1)(a) in part reads. Members of the City planning commission shall be residents of the city who are appointed by the Mayor with the consent of the city council and may be removed by the mayor with the consent of the city council. This is the same language used for the DRB, Library Board Members; Community Center Advisory Commission, and Parks and Recreation Advisory Board.

- 2. **Mayor to Act as Council Ceremonial Representative** – The Mayor has been delegated the responsibility to act as the City Council's ceremonial representative at public events and functions. In the Mayor's absence, the Council President assumes this responsibility. In both the Mayor and Council President's absence, the Mayor will appoint another Council member to assume this responsibility.
- 3. **Proclamations**
  - a. Incoming requests for a proclamation to be presented at an event or Council meeting should be provided to the Mayor for approval. All proclamation requests are provided in writing two weeks prior to the event/Council meeting date and also include a draft proclamation. The Mayor would read the approved proclamation into the record and then present it to the person who requested it. The requestor is encouraged to attend the meeting to receive the proclamation and may be invited by the Mayor to say a few words about the reasons for the proclamation.

- b. Once the Mayor approves the proclamation request, the proclamation is either scheduled for reading at an upcoming Council meeting, presented at an event or the proclamation is picked up/mailed to the requesting entity/person. In the event that the Mayor is unable to attend an event, the Council President or a Council member attends on behalf of the Council. In this case, the Mayor along with the attending Council President/Council member may sign the proclamation.

In the event the Mayor receives a request for a proclamation where the subject matter is questionable as to the appropriateness, the Mayor will forward the request to the full Council for a vote. *[Staff usually asks the Mayor and/or CM if there is a question regarding appropriateness.]*

#### **4. Certificate of Recognitions**

- a. Incoming requests for certificates of recognition to be presented at an event or Council meeting should be provided to the Mayor for approval. All certificate requests are provided in writing two weeks prior to event/Council meeting date and also include certificate verbiage.
- b. Once the Mayor approves the certificate request, the certificate is either scheduled to be presented at an upcoming Council meeting, presented at an event or is picked up/mailed to the recognized entity/person. In the event that the Mayor is unable to attend an event, the Council President or a Council member attends on behalf of the Council. In this case, the Mayor along with the attending Council President/Council member may sign the certificate of recognition.
- c. In the event the Mayor receives a certificate request where the subject matter is questionable as to the appropriateness, the Mayor will forward the request to the full Council for a vote.

5. **Council Member Participation in Community Activities** – From time to time, Council members may choose to participate in community activities, committees, events, task forces and civic groups. When a Council member participates in these types of activities, he/she is acting as an interested party rather than acting on behalf of the City Council. Acting or participating on behalf of the City Council is limited to those instances when the Council has formally designated the Council member as its representative for the matter.

6. **Study/Work Session** – Study or Work Session items may be placed on regular or special meeting agendas for the purpose of open discussion. During Study or Work Sessions, Council members will ask questions that staff records. For those questions that staff cannot readily answer, responses will be provided for the Council, transmitted in writing at the earliest possible date.
7. **Advance Administrative and Informational Reports** – Administrative and Informational reports will be forwarded to the Council as part of the agenda packets.
8. **Policy Decision-Making Process Steps** – As illustrated in Appendix A, the Policy Decision-Making Process may be initiated by individual Council members, appointed Committees/Commissions and/or staff members. These individuals or groups may request the full Council to consider the review or revision of existing policies or the consideration of new policy. Members of the public may request a Council member to initiate the full Council's consideration.
  - a. **Step 1 Initial Inquiry** – Step 1 is accomplished by including the matter on an upcoming meeting agenda for the Council's consideration. A brief write up of the matter is included on the Request for Policy Consideration Form (Appendix B). The Request for Policy Consideration Form briefly lays out the request so that Council can choose if they wish to dedicate staff time and resources to review the matter.

At this juncture, a poll of the Council is taken to determine if the Council feels they have adequate information to make a decision, or Council may direct the City Manager to dedicate staff time and resources to investigate and review revisions, or possible modifications to Council policy.

**Action Taken** – If the Council feels they have adequate information to make a decision, action is taken at this juncture.

**No Further Consideration** – If the majority of the Council chooses not to dedicate staff time and resources to investigate and review policy changes at this time, the decision-making process is complete.

**Further Consideration** – If the majority of the Council chooses to dedicate staff time and resources to review current policy for possible modifications or the consideration of new policy, additional steps in the Policy Decision-Making Process are triggered as follows:

- b. **Step 2 Scope & Assignment** – Step 2 of the process includes the City Council, with the assistance of the City Manager, defining the scope of the investigations to be undertaken and assigning primary responsibility for the task to a commission, board, committee or staff. The Council will generally define the scope and assign the task directly after the majority has chosen to have a policy/issue reviewed. The responsible commission, board, committee or staff will proceed to complete the review.
- c. **Step 3 Analysis of Alternatives** – Step 3 in the process includes completing the alternatives analysis. After the background and current status are completed, alternatives are identified and an analysis is completed. At any time during this process, an administrative report may be prepared to seek confirmation regarding the identified alternatives' consistency with Council's direction. This feedback option will insure that additional time is not spent on alternatives that may be inconsistent with the Council's direction.
- d. **Step 4 Administrative Report** – Step 4 is the preparation of an Administrative Report. After the analysis of alternatives is completed, recommendations are prepared for the Council's consideration. The recommendations are included on an upcoming Council agenda for discussion and action.
- e. **Step 5 Policy Direction** – Step 5 includes the Council providing policy direction. At the conclusion of their discussion regarding the alternatives and recommended actions, the majority of the Council reaches a decision and provides direction as to which alternative will be implemented.
- f. **Routine Matters** – The policy decision making process is not intended for routine matters where Council, by majority vote, can provide direction to staff to remediate a problem or issue for a member of the community. The process is intended for more complex issues that involve significant staff/board/commission time, where the Council desires to explore all alternatives before reaching a decision.

## VIII. COUNCIL COMMITTEES

- 1. **Task Forces and Ad Hoc Committees of the Council** – From time to time the Council may establish Task Forces or Ad Hoc special committees of the Council to deal with a specific issue or problem in the community

as the need arises. Establishing a task force or ad hoc committee shall have the support of a majority of Council.

- a. **Task Force or Ad Hoc Committee Defined** – A Task Force or Ad Hoc special committee of the council is one that: (1) does not have a continuing subject matter jurisdiction, and has a limited time frame to complete its task or assignment, (2) does not have a meeting schedule that is fixed by ordinance, resolution or other formal action of the Council, In addition, an ad hoc committee may not consist of more than 2 Council members and (3) has its members and duties assigned at the time of establishment.
- b. **Conduct of Ad Hoc Committee Meetings** – Meetings of an ad hoc committee of the Council are generally informal, but ad hoc committees are subject to the same open meeting laws and requirements as City Council meetings.

#### **IX. COUNCIL LIAISONS TO BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCES**

1. With the exception of the Budget Committee upon which they all serve, each City Councilor shall have the opportunity to serve as a liaison to the Parks and Recreation Advisory Board, the Planning Commission, the Development Review Board, the Library Board, and Committee for Citizen Input. The purposes served are to provide a direct communication channel between the Board, Commission, or Committee and the City Council; aid in the understanding by the Councilor of the operations of and any recommendations made by the Board, Commission, or Committee to which the Councilor has been appointed as liaison; and as may from time to time arise, provide the experience of the Councilor as may benefit the Board, Commission, or Committee.
2. Annually during the month of January, the City Council shall discuss Council liaison assignments and interests. The Council President shall contact each of the other Councilors to determine, what, if any, preference each Councilor has to serve as a liaison and/or alternate liaison to Board, Commission, or Committee named in Section XI(1) above. The Council President shall endeavor to resolve any duplicate preferences among the Councilors and the Council President shall report to the Mayor the Council President's recommendations, including recommendation for resolution of any remaining duplication.
3. At the last regular meeting in January or at the first regular meeting of February of each year, the Mayor, giving due consideration to the Council President's report and recommendations, shall announce the Councilor liaison appointments for the Council's consent.

4. The various appointment processes set forth above, including that of Councilor liaison appointments, is to be guided by collegiality and working together cooperatively to meet the general public good.

## **X. COUNCIL MEMBER ADMINISTRATIVE SUPPORT**

### **1. Mail**

- a. **Letters addressed to Mayor and/or City Council** – All letters addressed to the Mayor and/or entire City Council requiring a response from staff are copied to all Council members with a note as to which staff person will be preparing a response for the Mayor's signature. A copy of the response mailed, along with the original letter will be provided to each Council member.

Letters addressed to the Mayor and/or entire City Council that do not require a response, but provide information on Council agenda items or like matters are copied to the full Council.

Cards and other mail addressed to the Mayor marked "personal" and/or "confidential" will not be opened.

- b. **Letters addressed to Individual Council Members** – All letters addressed to individual Council members will not be opened. The envelopes will be delivered/mailed to the individual Council member's home address. If a Council member is requesting a response to be prepared by staff, the letter is copied to all members of the Council with a note as to which staff person will be preparing a response for the addressee's signature. A copy of the response mailed, along with the original letter will be provided to each Council member.

2. **Council Correspondence** – All Council member correspondence written with City resources (letterhead, typing, staff support, postage, etc.) will reflect the position of the full Council, not individual Council member's positions. All Council member correspondence using City resources will be copied to the full Council. For example, if a citizen writes a letter to an individual Council member, the response to the letter along with a copy of the citizen's letter will be copied to the full Council.

- a. **Personal Correspondence** – City Council members will have access to individual stationery and envelopes for use in communications reflecting their personal opinions and positions, not the position of the full Council. These communications will be prepared and sent at the expense of individual Council

members. Council members may utilize the City's outgoing mail service; however, postage will be at the Council member's expense.

3. **Clerical Support** – The City Manager's Office will coordinate the typing of correspondence requested by individual Council members. All correspondence typed for Council members will be on City letterhead and will reflect the position of the full Council, not individual Council members, and will be copied to the full Council.
  - a. From time to time, citizens write to the Mayor to voice concern, request assistance, or to request information on an issue/item. When such letters are addressed to the Mayor, the City Manager will prepare a response letter for the Mayor's review and signature. The response, along with a copy of the citizen's letter, will be copied to the full Council.
4. **Master Calendar** – A master calendar of Council events, upcoming agenda items, functions or meetings will be provided to the full Council. Functions, events or meetings to be attended by individual Council members will only be included on the master calendar at the request of individual Council members.
5. **Requests for Research or Information** – All requests for information or research from individual Council members shall be directed through the City Manager's office. Requests for new information or policy direction will be brought to the full Council at a regular meeting for consideration. All written products will be copied to the full Council.
  - a. From time to time Council members will call or email the City Manager to request information or bring attention to a matter that needs to be addressed (e.g., code enforcement issue, pothole, etc.). In all such instances, these matters will be addressed in the most expeditious manner possible.

When such calls for information deal with policy-related matters, the City Manager shall inform the full Council of the nature of the call/e-mail, and provide the full Council with any response that was given to the Council member who made the request. The intent of this protocol is to insure that all Council members are being provided with the same information
6. **Tickets to City Events** – The Wilsonville City Council places a high value on community involvement and encourages its members to participate actively in community-related events. When attendance to an event is by ticket, two tickets for each Council member will be made

available for events hosted by the City. Departments hosting City events will coordinate the distribution of tickets to Council members with the City Manager's office. The availability of tickets for events hosted by other organizations which the City sponsors will be at the discretion of the organizing agency. When the City is a major sponsor of an event, staff will endeavor to include the availability of tickets in the sponsorship agreement or contract.

The Council may elect to provide tickets to individual Council members and their spouse for other city-related/community events where the City's presence is expected and/or required. The Council will make such determinations on a case-by-case basis. The making available of tickets to any event shall comply with the Oregon Laws, Regulations, and Ethics Standards as to gifts and conflicts of interest.

7. **Council Notification of Significant Incidents** – In conjunction with the City's Police Department and Tualatin Valley Fire and Rescue (TVF&R), the City Manager's office will coordinate the notification to Council of major crime, fire or other incidents. This will be accomplished concurrently through e-mail and/or phone calls for the more significant incidents. In addition, the City Manager will endeavor to keep the Council informed by e-mail of incidents/issues that occur in the community that do not rise to the level of a "significant incident."

## **XI. PROTOCOL & GUIDELINE ADMINISTRATION**

1. **Biennial Review of City Council Protocols & Guidelines** – The Council will review and revise the City Council Protocols and Guidelines as needed or every two years.
2. **Adherence to Protocols and Guidelines** – During City Council discussions, deliberations and proceedings, the Mayor is delegated the primary responsibility to insure that the City Council, staff and members of the public adhere to the Council's adopted protocols.
3. **City Attorney as Protocol Advisor** – The City Attorney assists the Mayor as a resource to confer with, and acts as an advisor for interpreting the City Council's adopted protocols and guidelines.
4. **Adherence to Administrative Procedure & Process Protocols** - The City Council has delegated the Mayor responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Council member. The Mayor will discuss with the Council member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Mayor will report the concern to the full Council.



5. **Interference in Administration** A member of the Council shall not directly or indirectly, by suggestion or otherwise, attempt to influence the manager in making an appointment or in removal of an employee or purchasing supplies, or attempt to exact a promise relative to an appointment from any candidate for manager.

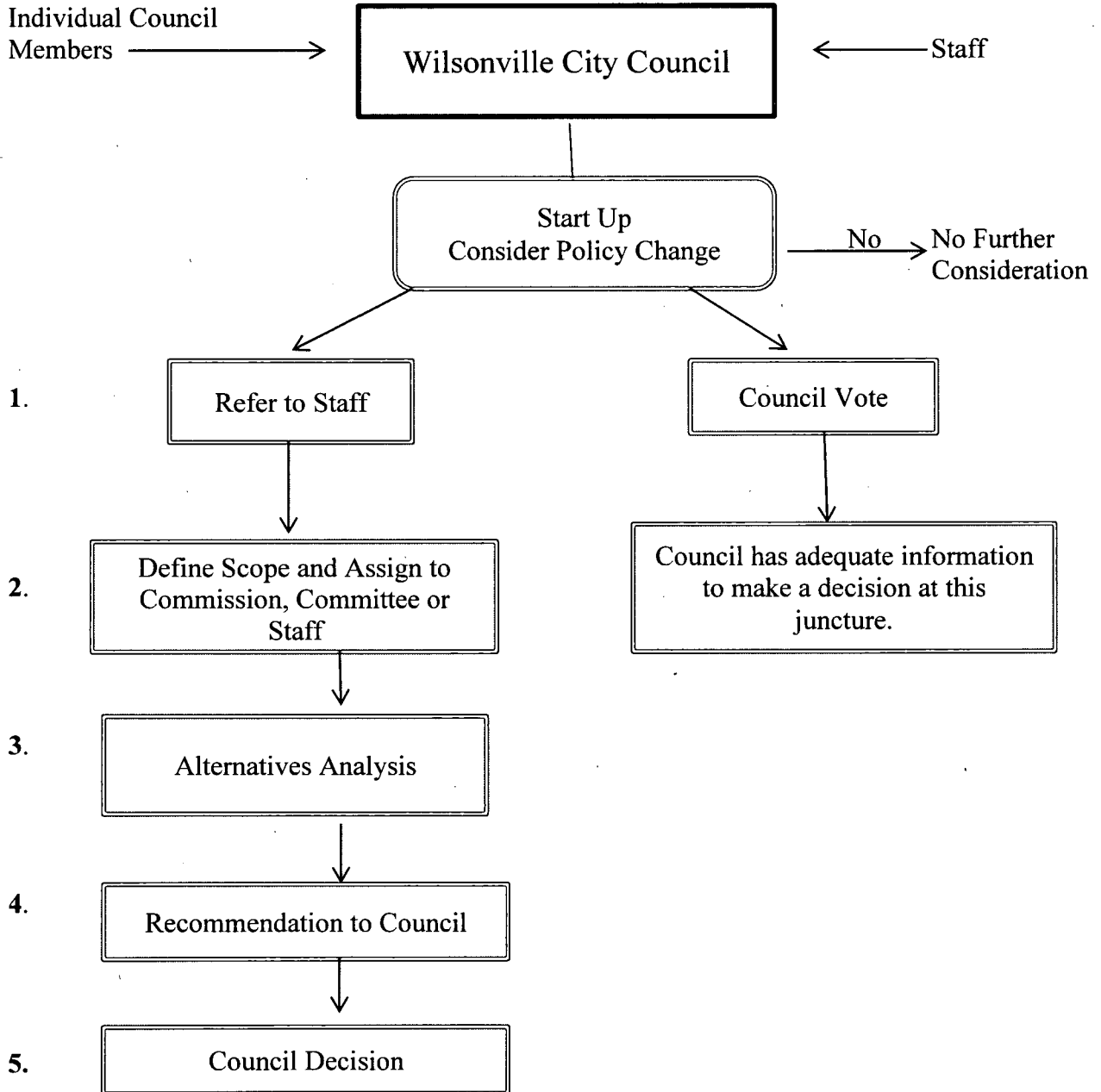
A violation of this section forfeits the office of the offending member of the council, who may be removed by the council or a court of competent jurisdiction. The council may, however, in session, discuss with or suggest to the manager anything pertinent to city affairs or the interests of the city. Further, a councilmember may, at any time, request and receive from the manager or any other city employee information to which a private citizen is entitled.

# Appendix A

## Policy Decision Making Process Illustration

# City Council Policy Decision Making Process

Committees, Commissions and Boards



# Appendix B

## Request for Policy Consideration Form

## Request for Policy Consideration

Agenda Item Number: \_\_\_\_\_

Council Meeting Date: \_\_\_\_\_

Introduced by: \_\_\_\_\_

**Problem/ Issue/ Idea Name:**

**Requested Action:**

**Description of Problem / Issue/ Idea:**

# Appendix C

## Wilsonville City Charter

Enacted January 1, 1987

Amended September 1999, Section 43.

Amended November 2002, Section 44.

Amended November 2004, Section 44

# CHARTER OF THE CITY OF WILSONVILLE

To provide for the government of the City of Wilsonville, Clackamas and Washington Counties, Oregon; and to repeal all Charter provisions the city enacted prior to the time this Charter takes effect.

Be it enacted by the people of the City of Wilsonville, Clackamas and Washington Counties, Oregon

## CHAPTER I

### NAME AND BOUNDARIES

Section 1. **TITLE OF ENACTMENT.** This enactment may be referred to as the Wilsonville Charter of 1987 and shall become effective January 1, 1987.

Section 2. **NAME OF CITY.** The City of Wilsonville, Clackamas and Washington Counties, Oregon, shall continue to be a municipal corporation with the name, "City of Wilsonville".

Section 3. **BOUNDARIES.** The city shall include all territory encompassed by its boundaries as they now exist or are hereafter modified pursuant to law. The City Recorder shall keep an accurate, up-to-date description of the boundaries and make copies of this charter and boundary descriptions available for public inspection.

## CHAPTER II

### POWERS

Section 4. **POWERS OF THE CITY.** The city shall have all powers that the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5. **CONSTRUCTION OF CHARTER.** In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The

charter shall be liberally construed to this end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution.

### **CHAPTER III**

#### **FORM OF GOVERNMENT**

Section 6. **WHERE POWERS VESTED.** Except as this charter provides otherwise, all powers of the city are vested in the Council; the elected officers of the city.

Section 7. **COUNCIL.** The Council shall be composed of a Mayor and four Councilors elected from the city at large.

Section 8. **COUNCILORS.** Councilors in office at the time this charter takes effect shall continue in office until the end of the present term of office of each. At each biennial general election after this charter takes effect, two Councilors shall be elected, each for a term of four years.

Section 9. **MAYOR.** At the biennial general election held in 1988, and every fourth year thereafter, a Mayor shall be elected for a term of four years. The term of Mayor elected at the 1986 general election shall continue until January 1, 1989.

Section 10. **APPOINTIVE OFFICERS.** Additional officers of the city shall be a City Manager, City Attorney and Municipal Judge and other officers and the Council deems necessary. The Council shall appoint and may remove any of these officers by a majority vote of all incumbent members of the Council. In judicial functions, the Municipal Judge shall not be subject to supervisory by any other officer.

Section 11. **SALARIES.** The compensation for the service of each city officer and employee shall be the amount fixed by the Council.

Section 12. **QUALIFICATIONS OF ELECTED OFFICERS.** No person shall be eligible for an elective office of the city unless at the time of his election, he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. No person shall hold an elected office of the city if the person is an employee of the city. The Council shall be the final judge of the qualifications and election of its own members.



## **CHAPTER IV**

### **CITY COUNCIL**

Section 13. **MEETINGS.** The Council shall hold a regular meeting at least once each month in the city at a time and place with it designates. It shall adopt rules for the government of its members and proceedings. The Mayor or three Council members may call special meetings of the Council. Special meetings may also be held at any time by the common consent of a quorum of all members of the Council at any regular meeting.

Section 14. **RECORDS OF PROCEEDINGS.** The Council shall cause a record of its proceedings to be kept.

Section 15. **QUORUM.** A majority of the incumbent members of the Council shall constitute a quorum for its business.

Section 16. **PROCEEDINGS TO BE PUBLIC.** No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 17. **MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.** The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The Mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

Section 18. **PRESIDENT OF THE COUNCIL.** At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the Mayor's absence from a Council meeting, the president shall preside over it. Whenever the council determines that the Mayor is unable to perform the functions of the office, the president shall act as Mayor.

Section 19. **VOTE REQUIRED.** Except as this charter otherwise provides, the concurrence of a majority of members of the Council voting when a quorum of the Council is present shall decide any questions before it.

## CHAPTER V

### POWERS AND DUTIES OF OFFICERS

Section 20. **MAYOR.** The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a city officer or a bond for a license, contract or proposal, the Mayor shall endorse the bond.

Section 21. **CITY MANAGER.** (a) Qualifications. The City Manager shall be the administrative head of the government of the city. The City Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. The manager need not be a resident of the city or of the state at the time of appointment.

(b) Terms. The manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the Council at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than six months after adopting the resolution, the Council shall appoint a manager to fill the vacancy.

(c) Powers and Duties. The powers and duties of the manager shall be as follows:

(1) The manager shall devote full-time to the discharge of the manager's official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the city.

(2) The City Manager shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed.

(3) The manager shall designate a City Recorder and shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Manager shall organize and supervise the departments to the end of obtaining the utmost efficiency in each of them. The manager shall have no control, however, over the Council, over the Mayor, over the City Attorney, or over the judicial activities of the Municipal Judge.

(4) The manager shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by the manager or his designate.

(5) The manager shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body requests.

(6) The manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) Seats at Council Meetings. The manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The manager may take part in all Council discussion.

(e) Manager Pro Tem. Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever the office becomes vacant, the Council shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of the Council. No manager pro tem shall hold the position as such for more than six months, and no appointment of a manager pro tem shall be consecutively renewed.

Section 22. **MUNICIPAL JUDGE.** The Municipal Judge shall be the judicial officer of the city. The judge shall hold within the city, a court known as the municipal court for the City of Wilsonville, Clackamas and Washington Counties, Oregon. The court shall be open for the transaction of judicial business at times specified by the Council. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by ordinances of the city. The judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before the judge, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Notwithstanding this section or section 10 of this charter, the Council may provide for the transfer of powers and duties of the municipal court to the appropriate district court of the State of Oregon.

Section 23. **CITY RECORDER.** The City Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council and keep an accurate record of its proceedings. In the Recorder's absence from a Council meeting, the Mayor shall appoint a clerk of the Council pro tem, who, while acting in that capacity, shall have all the authority and duties of the Recorder.

## **CHAPTER VI**

### **ELECTIONS**

Section 24. **REGULATION OF ELECTIONS GENERALLY.** Except as this charter provides otherwise and as the Council provides otherwise by ordinance, the general laws of the state shall apply to city elections.

Section 25. **TIE VOTES.** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 26. **COMMENCEMENT OF TERMS OF OFFICE.** The term of office of a person elected to a city office at a regular city election commences on January 1<sup>st</sup> of the year immediately following the election.

Section 27. **OATH OF OFFICE.** Before commencing the duties of elective office, each officer shall take an oath or shall affirm faithful performance of the duties of the office and support for the constitutions and laws of the United States and the State of Oregon.

Section 28. **NOMINATIONS.** A qualified elector who shall have resided in the city during the 12 months immediately preceding the election may be nominated for an elective city position. Nomination shall be by petition specifying the position sought in a form prescribed by the Council. Such petition shall be signed by not fewer than 20 electors. Nomination petitions shall be in the form and filed in the manner and within the time prescribed by ordinance and state law. The City Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed.

## **CHAPTER VII**

### **VACANCIES IN OFFICE**

Section 29. **VACANCY.** An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, resignation or recall or upon the incumbent's ceasing to possess the qualifications necessary for the office; or upon the failure of the person elected or appointed to an office to qualify therefor within ten days after the time for the term of office to commence; and in the case of Mayor or Councilor, upon the absence from meetings from the Council for 60 days or absence from the city for 30 days without consent of the Council; and upon a declaration by the Council of the vacancy.

Section 30. **FILLING OF VACANCIES.** Vacancies in elective offices of the city shall be filled by appointment by a majority of the incumbent membership of the

Council. The appointee's terms of office shall begin immediately upon appointment and shall continue until the first day of January following the next biennial election; and if the term of office does not then expire, the remainder thereof shall be filled by election at such biennial election. During the temporary disability of any officer or during the absence temporarily from the city for any cause, the office may be filled pro tem, in the manner provided for filling vacancies in office permanently.

## **CHAPTER VIII**

### **ORDINANCES**

Section 31. **ENACTING CLAUSE.** The enacting clause of all ordinances hereafter enacted shall be "The City of Wilsonville Ordains as Follows".

Section 32. **MODE OF ENACTMENT.** (1) Except as subsection (2) and (3) provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(2) Except as sub-section (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(3) Any of the readings may be by title only (a) if no Council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(5) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder's name and title of office, and within three days thereafter the Mayor shall sign it with the date of signature, name and the title of office.

Section 23. **WHEN ORDINANCES SHALL TAKE EFFECT.** An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of emergency, it may take effect immediately.

## **CHAPTER IX**

### **PUBLIC IMPROVEMENTS**

Section 34. **CONDEMNATION.** Any necessity of taking property for the city by condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted. All such proceedings shall be in accordance with existing state laws pertaining to condemnation.

Section 35. **IMPROVEMENTS.** The procedure for making, altering, vacating or abandoning a public improvement shall be governed by ordinance or, to the extent not so governed, by the applicable general laws of the State of Oregon.

Section 36 **SPECIAL ASSESSMENTS.** The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by ordinance or to the extent not so governed, by the applicable general laws of the State of Oregon.

Section 37. **PUBLIC CONTRACTING.** Except as authorized by Oregon Public Contracting law or general ordinance, all city contracts shall be based on competitive bids.

## **CHAPTER X**

### **MISCELLANEOUS PROVISIONS**

Section 38. **DEBT LIMIT.** Except by consent of the voters, the city's voluntary floated indebtedness shall not exceed ten percent of the current budget, nor its

bonded indebtedness exceed that as may be set by Oregon law. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 39. **TORTS.** In no event shall the city be liable in damages except as provided by Oregon law.

Section 40. **EXISTING ORDINANCES CONTINUED.** All ordinances of the city consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 41. **REPEAL OF PREVIOUSLY ENACTED PROVISIONS.** All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed except those charter amendments giving authority for the issuance of general obligation bonds which shall remain in full force and effect.

Section 42. **TIME OF EFFECT OF CHARTER.** This charter shall take effect January 1, 1987.

Section 43. **USE OF WILLAMETTE RIVER.** The City of Wilsonville shall not use Willamette River water as a drinking water source for its citizens unless the question of so using the Willamette River water as a drinking water source has received the affirmative majority of the total number of legal votes cast on such measure and entitled to be counted thereon. *[Section 43 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in a special election September 20, 1999.]*

Section 44. **REQUIRES VOTER APPROVAL BEFORE CITY EXPENDS RESOURCES TO CONSTRUCT ANY NEW CITY HALL BUILDING.** The city



shall not expend resources on the construction of a new City Hall Building without first obtaining approval of a majority of voters casting ballots during a regularly scheduled City election. A regularly scheduled city election shall be defined as the general election held on the first Tuesday after the first Monday of November in even numbered years or such special election called by the City council for a statutorily scheduled county election date in March, May, September or November. Any ballot proposal seeking such approval must include the total cost of completing the construction project in its title caption. The total cost of construction must be detailed in a proposal summary and shall include principal construction costs, infrastructure costs, the commercially zoned market value of any land acquired or appropriated for the project, the maximum cost of paying interest on any bonded indebtedness attached to the project, and an estimate of any other costs necessary to complete the project. The term 'City Hall Building' includes any significant structure housing one or more chief administrative functions of the city." Spending necessary to determine costs is not restricted. *[Section 44 is a Charter Amendment voted upon and approved by a majority of the qualified voters of the City of Wilsonville in a regular election held November 5, 2002.]*

Amended September 1999, Section 43.

Amended November 2002, Section 44.

Amended November 2004, Section 44 to clarify 'regularly scheduled election'

# Appendix D

## Chapter 2.003 Wilsonville Code Administration – General

## ADMINISTRATION

### GENERAL

- 2.001 Office Hours of City Offices
- 2.003 City Council Meetings
- 2.005 City Council Special Committees
- 2.007 City Council Evidentiary Hearings
- 2.009 City Council Mode Of Introducing And Enacting Ordinances, Resolutions And Other Matters Or Subjects Requiring Action By The Council.
- 2.010 Election of City Councilors
- 2.011 City Council Election of Officers
- 2.013 City Council Executive Session
- 2.020 Fees Generally
- 2.025 Interest Rates
- 2.030 City Records Retention and Destruction

### GENERAL

#### **2.001 Office Hours of City Offices.**

The hours of business for all city offices shall be set and established by the Council.

#### **2.003 City Council Meetings.**

(1) Regular meetings of the Council shall be held on the first and third Monday of the month at 7 p.m. except that when a first or third Monday falls on a legal or national holiday, there will be no regular City Council meeting held that week. However, this shall not prevent the City council from otherwise calling a special meeting for such purposes as it determines. All regular meetings of the Council shall be held within the City of Wilsonville.

*Amended by Ord. #390-August 5, 1991*

*Amended by Ord. #422 - December 20, 1993*

(2) Special meetings of the Council shall be called by the Mayor or, in his absence, the president of the Council whenever in his opinion the public business may require it, or at the express written request of any three members of the Council. Whenever a special meeting is called a notice shall be served upon each member of the Council either in person or by notice left at the councilor's place of residence, stating the date, place, and hour of the meeting and the purpose for which such meeting is called. Unless an emergency exists, no special meeting shall be held without at least 24 hours' notice to the members of the Council the news media, and the general public. In case of an actual emergency, a meeting may held upon such notice as is appropriate to the circumstances but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice unless otherwise required by law or necessitated by an emergency.

(3) All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Council shall, at least twenty-four (24) business hours prior

to each Council meeting, be delivered to the City Recorder whereupon the City Recorder shall immediately arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. None of the foregoing matters shall be presented to the Council by administrative officials except those of an urgent nature, and the same, when so presented, shall have approval of the Mayor or City Manager before presentation.

(4) The Presiding Office of the Council shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject; however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall vote on all questions. He shall sign all ordinances and resolutions adopted by the Council during his presence. In the event of the absence or unavailability of the Mayor, the Presiding officer as designated in Section 2.003(5) shall sign ordinances or resolutions as then adopted.

(5) The Mayor, or in his absence or unavailability, the President of the Council shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence or unavailability of the Mayor and the President of the Council, the City Recorder, shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the council present. Upon arrival of the Mayor or the President of the Council, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

(6) Before proceeding with the business of the Council, the City Recorder shall call the roll of the members, and the names of those present shall be entered in the minutes.

(7) A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

(8) All meetings of the Council shall be open to the public in accordance with ORS 192.610 et seq. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Recorder, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order:

(9) The Council may, at its discretion and upon the approval of a majority of a quorum present, change the order of business before it.

(10) Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Recorder has previously furnished each member with a copy or synopsis thereof.

(11) The following constitute the adopted rules of debate:

(a) The Mayor or President of the Council or such other member of the 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 shall not be deprived of any of the right and privileges of a Councilor by reason of his acting as the Presiding Officer.

(b) Every member desiring to speak shall address the chair, and upon recognition by the Presiding Officer, shall confine themselves to the question under debate, avoiding all personalities and indecorous language.

(c) A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order is determined, and if in order, he shall be permitted to proceed. Notwithstanding the above, no member shall speak at any one time in excess of ten minutes without the consent of the members constituting a quorum.

(d) The Councilor moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) A motion to reconsider any action taken by the Council may be made only on the date such action was taken, either immediately during the same session or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

(f) A councilor may request, through the Presiding Officer the privilege of having an abstract of his statement on any subject under consideration by the Council entered in toto into the minutes; if the Council consents thereto, such statement shall be entered in the minutes in toto.

(g) The City Recorder may enter in the minutes a synopsis of the discussion on any question coming regularly before the council, at the direction of the Presiding officer and with consent of the Council.

(h) A journal of the proceedings consisting of minutes of the meeting and an electronic recording of the meeting shall be kept; on call of any two of its members, the Presiding Officer may cause the yeas and nays to be taken and entered in its journal upon any question before it.

(12) To address the Council, any person shall first secure the permission of the Presiding Officer; provided, however, that under the following heading of business, unless the

Presiding Officer rules otherwise, any qualified person may address the Council without securing such prior permission:

(a) By written communications, interested parties or their authorized representatives may address the Council in regard to matters there under discussion.

(b) By oral communications taxpayers or residents of the City, or their authorized legal representatives, may address the Council on any matter concerning the City's business or any matter over which the Council has control; provided, however, that preference shall be given to those person who may have notified the City Recorder I the advance of their desire to speak in order that the same may appear on the agenda of the Council.

(c) By reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matter, interested persons or their representatives may address the council in regard to matters then under consideration.

(13) After a motion is made by the council, no person shall address the Council without first securing the permission of the presiding Officer to do so.

(14) Each person addressing the Council shall do so in the following manner: Come to the designated area for persons to address the Council, give his or her name and address in an audible tone of voice for the records; limit his address to three (3) minutes unless further time is granted by the Presiding Officer of the council; and address all remarks to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall per permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No questions shall be asked of a Councilor except through the Presiding Officer.

(15) No person, except City Officials, their representatives and newspaper reporters, shall be permitted within normal seating area of the City Council without the express consent of the presiding officer.

(16) Unless a member of the Council states that he is not voting his silence shall be recorded as an affirmative vote.

(17) The following constitutes the rules of decorum:

(a) While the council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

(b) Any person whose conduct at a council meeting intentionally, recklessly, or knowingly causes or attempts to cause a disturbance of the order or decorum of the proceedings may be barred from the Council meeting by a majority vote of the Council.  
*Amended by Ord. #380 – March 4, 1991 [Mike K. review this against recent case law].*

(18) The law enforcement officer of the city, or such member or members of his office or department as he may designate, shall be Sergeant at Arms of the Council meetings, He or they shall carry out all orders and instructions given by the Presiding Officer for purposes of maintaining order and decorum at the Council meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant at Arms or any of them present; to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, and the complaint shall be signed by the Presiding Officer.

(19) Any member shall have the right to have the reasons for his dissent from or protest against any action of the Council entered on the minutes.

(20) No account or other demand against the city shall be allowed until the same has been considered and reported upon to the Council.

(21) All reports and resolutions shall be filed with the City Recorder and entered on the minutes.

(22) A motion to adjourn shall always be in order and decided without debate.

(23) Any person violating the provisions of Section 2.003(17)(b) of this Code shall upon first conviction be guilty of a violation and shall be punished pursuant to Section 1.012, and shall upon any subsequent conviction be guilty of a Class C Misdemeanor and shall be punished pursuant to Section 1.011. In any suit, action or claim of relief, inclusive of appeal, to enforce any provisions of the Section, the City shall recover its costs, inclusive or reasonable attorney fees.

(24) In all other instances not covered by the provisions of this Section, Robert's Rules of Order shall be followed. The City Attorney, or in the absence of the City Attorney, his or her designee, shall serve as the parliamentarian for City Council meetings and such other City meetings as may be needed.

*Amended by Ord. #381 – March 4, 1991*

### **2.005 City Council Special Committees.**

(1) All special committees shall be appointed and assigned respectively by the presiding officer, unless otherwise directed by the council.

(2) Committees shall make their reports in writing or have them recorded verbatim by an electronic recording device and a transcript made thereof, and shall return the petition,

resolution, account, or other paper submitted for consideration to the Council at a regular meeting.

**2.007 City Council Evidentiary Hearings.**

In all evidentiary hearings before the Council, the procedures prescribed by Section 2.560 shall apply.

**2.009 City Council Mode of Introducing and Enacting Ordinances, Resolutions, and Other Matters or Subjects Requiring Action by the Council.**

(1) All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or his authorized representative.

(2) Ordinances, resolutions, and other matters or subjects requiring action by Council must be introduced and sponsored by a member of the Council, except that the Mayor, City manager or City Attorney may present ordinances, resolutions and other matters or subjects to the Council, and any Councilor may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.

(3) Enacting or Adopting Clause. The enacting clause of all ordinances hereafter enacted shall be "The City of Wilsonville Ordains as Follows". The adopting clause of all resolutions hereafter enacted shall be "The City of Wilsonville resolves as follows".

(4) Except as subsection (5) and (6) provides to the contrary, every ordinance of the council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(5) Except as subsection (6) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all incumbent Council members, upon being read first in full and then by title.

(6) Any of the readings may be title only if (a) if no council member present at the meeting requests to have the ordinance read in full; or (b) if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the city Recorder not later than one week before the first reading of the ordinance and notice of their availability is given forthwith upon the filing by written notice posted in the City Hall and two other public places in the city; or advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.



(7) Upon the final vote of any ordinance, the ayes and nays of the members shall be taken and entered into the record of proceedings.

(8) Upon the enactment of any ordinance, the City Recorder shall sign it with the date of its passage and the Recorder's name and title of office and within three days thereafter the Mayor shall sign it with the date of signature, name and title of office.

(9) When ordinances shall take effect. An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the council deems it advisable; however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

(10) Resolutions may be read by title only and shall be adopted on the date of passage unless the resolution otherwise provides.

### **2.010 Election of City Councilors**

In cases where both two and four-year terms for City Councilors are available due to vacancies in office, the candidate(s) receiving the highest number of votes shall be elected to the longer term(s). In cases of tie votes, Section 25 of the City Charter shall apply.

*Amended by Ord #325 - April 4, 1988*

### **2.011 City Council Election of Officers.**

### **2.013 City Council Executive Sessions.**

Executive Sessions may be held by the Council in accordance with the provisions of ORS Chapter 192.

## **OFFICERS AND EMPLOYEES**

### **2.100 Mayor.**

(1) The Mayor shall preside over Council deliberations and shall have a vote on all questions before the Council. The mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

(2) The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days of their passage. After the Council approves a bond of a city officer or a bond for a license contract or proposal, the mayor shall endorse the bond.

# Appendix E

Section(s) 192.610-710  
Oregon Revised Statutes  
Oregon Open Meeting Law

## PUBLIC MEETINGS

**192.610 Definitions for ORS 192.610 to 192.690.** As used in ORS 192.610 to 192.690:

(1) "Decision" means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.

(2) "Executive session" means any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.

(3) "Governing body" means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

(4) "Public body" means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

(5) "Meeting" means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. "Meeting" does not include any on-site inspection of any project or program. "Meeting" also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong. [1973 c.172 §2; 1979 c.644 §1]

**192.620 Policy.** The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

**192.630 Meetings of governing body to be open to public; location of meetings; accommodation for person with disability; interpreters.** (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized

Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, "good faith effort" includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52; 2007 c.100 §21; 2009 c.595 §173]

**192.640 Public notice required; special notice for executive sessions, special or emergency meetings.** (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

**192.650 Recording or written minutes required; content; fees.** (1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the

meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

**192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits.** (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

- (a) To consider the employment of a public officer, employee, staff member or individual agent.
- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(f) To consider information or records that are exempt by law from public inspection.

(g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

(k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.

(L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.

(m) To discuss information about review or approval of programs relating to the security of any of the following:

(A) A nuclear-powered thermal power plant or nuclear installation.

(B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.

(C) Generation, storage or conveyance of:

(i) Electricity;

(ii) Gas in liquefied or gaseous form;

(iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

(iv) Petroleum products;

(v) Sewage; or

(vi) Water.

(D) Telecommunication systems, including cellular, wireless or radio systems.

(E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

(a) The filling of a vacancy in an elective office.

(b) The filling of a vacancy on any public committee, commission or other advisory group.

(c) The consideration of general employment policies.

(d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:

(A) The public body has advertised the vacancy;

(B) The public body has adopted regular hiring procedures;

(C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and

(D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

(a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

(b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32]

**192.670 Meetings by means of telephonic or electronic communication.** (1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1]

**192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members.** (1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the

decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.

(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

**192.685 Additional enforcement of alleged violations of ORS 192.660. (1)**

Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.

(3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]



**192.690 Exceptions to ORS 192.610 to 192.690.** (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23; 2007 c.796 §8; 2009 c.697 §11]

**Note:** The amendments to 192.690 by section 11, chapter 697, Oregon Laws 2009, become operative July 1, 2010. See section 22, chapter 697, Oregon Laws 2009, as amended by section 76, chapter 828, Oregon Laws 2009. The text that is operative until July 1, 2010, is set forth for the user's convenience.

**192.690.** (1) ORS 192.610 to 192.690 do not apply to the deliberations of the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the Health Professionals Program Supervisory Council established under ORS 677.615, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS

441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530.

**192.695 Prima facie evidence of violation required of plaintiff.** In any suit commenced under ORS 192.680 (2), the plaintiff shall be required to present prima facie evidence of a violation of ORS 192.610 to 192.690 before the governing body shall be required to prove that its acts in deliberating toward a decision complied with the law. When a plaintiff presents prima facie evidence of a violation of the open meetings law, the burden to prove that the provisions of ORS 192.610 to 192.690 were complied with shall be on the governing body. [1981 c.892 §97d; 1989 c.544 §3]

**Note:** 192.695 was added to and made a part of ORS chapter 192 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**192.710 Smoking in public meetings prohibited.** (1) No person shall smoke or carry any lighted smoking instrument in a room where a public meeting is being held or is to continue after a recess. For purposes of this subsection, a public meeting is being held from the time the agenda or meeting notice indicates the meeting is to commence regardless of the time it actually commences.

(2) As used in this section:

(a) "Public meeting" means any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased or owned by the State of Oregon or by any county, city or other political subdivision in the state regardless of whether a quorum is present or is required.

(b) "Public body" means the state or any department, agency, board or commission of the state or any county, city or other political subdivision in the state.

(c) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment. [1973 c.168 §1; 1979 c.262 §1]

# Appendix F

## Resolution No. 2321

**RESOLUTION NO. 2321**

**A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A PROCESS FOR RECEIPT OF APPLICATIONS AND AN APPOINTMENT PROCESS TO THE CITY'S BOARDS, COMMISSIONS, COMMITTEES AND TASK FORCES AND REPEALING RESOLUTION NO. 2267.**

WHEREAS, the City Council, desired to have a formal written process for the receipt of applications, and the appointment process for the City's Boards, Commissions, Committees, and Task Force; and

WHEREAS, Council adopted Resolution No. 2267, on February 7, 2011 which memorialized the formal application and selection process; and

WHEREAS, the intent of Resolution No. 2267 was that written guidelines would help to ensure a greater applicant pool with a broader range of background and interests for those desiring to volunteer their time in service to the community; and

WHEREAS, upon working with the process in Resolution No. 2267, the Council found the process contained in Resolution No. 2267 could be simplified and desires to do so.

NOW, THEREFORE THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. Except for the appointment of Council liaisons, where the Council appoints itself as a whole, or to the extent it is required by law to serve on or as a Board, Commission, Committee, or Task Force (e.g. Local Contract Board, Urban Renewal Board, Budget Committee), the following appointment process for Boards, Commissions, Committees, including the non-Council members of the Budget Committee, and Task Forces shall apply as guidelines for appointment to both existing Boards, Commissions, Committees, and Task Forces established by the Council and to those Boards, Commissions, Committees, and Task Forces subsequently established by the Council.

2. The guidelines shall apply to the following existing Boards, Commissions, and Committees:
  - 2.1. The Park and Recreation Advisory Board, WC 2.300 et seq.
  - 2.2. The Planning Commission, WC 2.320 et seq.
  - 2.3. The Development Review Board (sits as two panels), WC 2.330 et seq.
  - 2.4. The Library Board, WC 2.350 et seq.
  - 2.5. The Budget Committee, ORS 294.336 et seq., Council est. 1/10/69
3. Boards and commission members' duties and qualifications are set forth in their respective boards and commission provision of Chapter 2 of the Wilsonville Code.
4. When there is a vacancy, the City Recorder shall advise the council, and unless the Council directs otherwise the City Recorder shall advertise the vacancy(s) in the Wilsonville Spokesman, the local newspaper of general circulation, on the City's website, in the City newsletter, local access cable channel, with general announcements at city meetings and posted at city hall.
  - 4.1 Such advertisement should announce the opening and provide a brief description of the duties, any qualifications that apply to the position, the length of the term to be filled, and where an application can be obtained.
  - 4.2 The recruitment process shall be open for 30 days.
  - 4.3 The City Recorder shall provide for those interested in applying a City application form to be filled out and returned to the Recorder, which shall be in the general form as attached hereto and marked as Exhibit A.
  - 4.4 Existing Board and Commission members who wish to be reappointed when their term has expired need not submit a formal application but may submit a letter expressing continued interest in serving another term to the Mayor and the City Council.

5. Upon closure of the recruitment period, the applications and any supporting documents shall be copied to the entire City Council.
6. All applications and supporting documentation shall be kept on file in the City Recorders office for one year. Should a vacancy occur, the applications on file and any new applications received during the recruitment period shall be sent to the City Council for review.
7. Before making their recommendations, individual Councilors may interview any applicant. City Council members shall make their recommendations to the Mayor for appointment within two weeks of receiving the applications. Thereafter the Mayor shall make the appointment subject to Council approval at a Council meeting.
8. The Mayor or Council President will invite the new appointee to attend a regular Council meeting where the appointee may be officially introduced.
9. Guidelines for appointing Task Forces and Ad Hoc Committees:
  - 9.1. Task Forces and Ad Hoc special committees are established by the City Council as the need arises, generally on a short term basis to study an issue of concern or need.
  - 9.2. Duties of the Task Force or the Ad Hoc Committee and the respective membership of each are assigned at the time of establishment.
10. Appointment of Council Liaisons to Boards, Commissions, Committees, and Task Forces.
  - 10.1. With the exception of the Budget Committee upon which they all serve, each City Councilor shall have the opportunity to serve as a liaison to a Board, Commission, or Committee named in Section 2 above as their term of office may allow. Non-voting liaison positions to the City's Boards and Commissions are to foster communication and understanding. At the last regular meeting in January or at the first regular meeting of February of each year, the City Councilors shall discuss liaison appointments and announce the Council liaison appointments for the upcoming year.

11. Resolution No. 2267 is repealed.
12. This resolution becomes effective upon adoption.

ADOPTED, by the Wilsonville City council at a regular meeting thereof this 19<sup>th</sup> day of September, 2011 and filed with the Wilsonville City Recorder this date.

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TIM KNAPP, MAYOR

ATTEST:

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Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes

Council President Núñez - Yes

Councilor Hurst - Excused

Councilor Goddard - Yes

Councilor Starr - Yes

Attachments:

Exhibit A –Application for Appointment to Board/Commission Form



29799 Town Center Loop East  
Wilsonville, OR 97070  
503-682-1011 - Phone  
503-682-1015 - Fax

**APPLICATION FOR APPOINTMENT TO BOARD/COMMISSION**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Last First Middle

Home Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Is this address within the City? \_\_\_\_\_ I've lived in Wilsonville since: \_\_\_\_\_

Telephone No.: \_\_\_\_\_  
Home Work Cell/Mobile

E-Mail Address: \_\_\_\_\_

Are you a registered Voter with the State of Oregon? \_\_\_\_\_

Present Occupation: \_\_\_\_\_

Which Committee(s) would you like to be appointed to:

*Dates of meetings are listed at the end of this application.  
Please make sure those dates work with your schedule before you apply.*

- ( ) Budget Committee
- ( ) Parks and Recreation Advisory Board
- ( ) Library Advisory Board
- ( ) Development Review Board
- ( ) Planning Commission

Employment, professional, and volunteer background:

Previous City appointments, offices or activities:

As additional background for the Mayor and City Council, please answer the following questions. Feel free to add additional pages.

1. What experience/training/qualifications do you have for this particular board or commission? You may attach a resume.



2. What specific contribution do you hope to make?
3. What community topics concern you that relate to this board or commission? Why do you want to become a member?
4. Describe your involvement in relevant community groups and activities. (Lack of previous involvement will not disqualify you from consideration.)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Meeting dates** (all meeting dates are subject to change or additions)

- Budget Committee - typically meets in April-May to consider City budget for new fiscal year
- Development Review Board - Second and fourth Mondays of the month
- Library Board - Fourth Wednesday of the month
- Parks & Recreation Advisory Board - Second Thursday of the month
- Planning Commission - Second Wednesday of the month

*Please be advised members of the City Council, the Planning Commission and Development Review Board are required to file an annual **Statement Of Economic Interest** with the State of Oregon. A sample reporting form is available from the City Records Office at 29799 SW Town Center Loop East indicating the type of information you will be required to disclose if you are appointed.*

For office use only:

Date Received: \_\_\_\_\_

Date Considered: \_\_\_\_\_

Action by Council: \_\_\_\_\_

Term Expires: \_\_\_\_\_

**Please return this form to:**

City Recorder  
 29799 SW Town Center Loop E.,  
 Wilsonville, OR 97070  
 (503) 570-1506 FAX (503) 682-1015  
 E-mail: [king@ci.wilsonville.or.us](mailto:king@ci.wilsonville.or.us)

# Appendix G

## Resolution No. 2322

**RESOLUTION NO. 2322**

**A RESOLUTION OF THE CITY OF WILSONVILLE ADOPTING A CITY COUNCIL PROTOCOL MANUAL, ESTABLISHING COMMUNICATION GUIDELINES AND COUNCIL PROTOCOLS AS SINGLE SOURCE REFERENCE DOCUMENT.**

WHEREAS, the Wilsonville City Council believes effective municipal governance requires that individual Council members adhere to a general set of principles when dealing with each other and the general public; and

WHEREAS, the Council desires to conduct its meetings in a manner that is courteous, effective, and efficient; and

WHEREAS, providing a single source reference document containing the Council protocol and communication guidelines will aid in fostering an environment that is fair, open and responsive.

NOW THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council adopts the *City of Wilsonville City Council Protocol Manual*, attached here to as Exhibit A, as if fully set forth herein, as a single source reference on Council protocol and communication.
2. This resolution is effective the date of adoption.

ADOPTED by the City of Wilsonville at a regular meeting thereof this 19<sup>th</sup> day of September, 2011 and filed with the Wilsonville City Recorder this date.

\_\_\_\_\_  
TIM KNAPP, MAYOR

ATTEST:

\_\_\_\_\_  
Sandra C. King, MMC, City Recorder

**SUMMARY OF VOTES:**

Mayor Knapp - Yes  
Council President Núñez - Yes  
Councilor Hurst - Excused  
Councilor Goddard - Yes  
Councilor Starr - Yes

# Appendix H

## Best Practices for an Elected Governing Council

By

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DECISIONS  
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## Best Practices for an Elected Governing Council

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The following guidelines are based on many years of experience with city councils, county commissions, and other elected governing bodies. However, every council is unique, and each should discuss and adopt its own guidelines. Most questions have no "right" or "wrong" answers, but it is important that councilors have the same expectations. It is helpful to review and revise guidelines at least annually.

### Expectations and Courtesies

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- Make every effort to attend every meeting, to arrive on time, and to be prepared.
- Do not criticize any councilor, staff member, or citizen in public.
- No surprises: Whenever possible, inform others before they learn important news in public.
- Speak only when recognized by the chair. Don't interrupt or engage in side conversations when another councilor is speaking.
- Be brief and to the point.
- Say what you mean and mean what you say: Limit political speeches and don't posture or grandstand.
- Clearly explain how you got to your position and how it serves the public interest. This is especially important when you disagree with a staff or committee recommendation.
- Share credit generously. Spread opportunities to get positive recognition and spread responsibilities to do things that will evoke criticism.
- Support the legitimacy of Council decisions, even those you didn't vote for. When a decision is made, move on.

### Good Process and Procedure

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#### *Meetings*

- The Mayor and City Manager usually work together to set the agenda.
- The allocation of meeting time should reflect the priority among issues.

- Council packets should be available a set number of days time prior to business meetings. Councilors are encouraged to submit questions and comments at least 2 business days preceding the business meeting.
- Any member can pull an item from the consent agenda to discuss separately at the meeting.
  - ◆ Contact the City Manager in advance and explain your reason for pulling the item.
  - ◆ If you thought about pulling an item but got further information that changed your mind, inform others so they have the same information.
- Pulling an item from the agenda to defer consideration is a Council decision.
- The Council's goal is to adjourn by a fixed time unless extended by majority consent of members present. Around 30 minutes before this fixed time, any member may call for a review of remaining agenda items. The Council may reset or reschedule items that may not be reached prior to the regular time of adjournment.
- The purpose of the question and answer period during a public hearing is to elicit information. Councilors should not use it as a forum to express their own positions. This should be reserved for the discussion period.
- At a study session, any councilor may propose that it would be more appropriate to discuss the matter during a business meeting. The Council will decide whether the discussion should continue or be held during a business meeting.

### ***Issues for Discussion and Decision***

- Decisions with major financial implications should be considered in the context of citywide priorities, as part of the regular budget process. Cuts or increases should not be made piecemeal.
- Council agreement is required to start, slow down, or stop a project.
- Process for emerging ideas:
  - ◆ Don't bring an issue to the Council until it is ready.
  - ◆ Consult with the City Manager to help frame issues before introducing new directions or amendments.
  - ◆ Have individual conversations with other councilors, but be careful to give them consistent messages so all have the same information.
  - ◆ When the idea is ripe, schedule a study session for general discussion and to identify next steps.

### ***Internal Communication***

- Limit use of email to other councilors:
  - ◆ To transmit information.
  - ◆ To express your own individual opinion.
  - ◆ To suggest that a matter should be discussed by the full Council.

- ◆ Reply only to comment on whether a matter should be discussed by the full Council.
- ▣ Occasionally, there may be special reasons for individual briefings rather than a work session for the full Council. When councilors are individually briefed, it is important for all to get the same information.

## **External Communication**

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### **General**

- ▣ The City Manager or Mayor responds to communications directed to the full Council.
- ▣ If a communication is directed to an individual councilor, you may choose to respond as an individual or refer to the City Manager.
- ▣ The City must speak with one voice on labor issues. Councilors who are contacted individually should make no comment and should report the contact to the City Manager.

### **Communication with Partners and Allies**

- ▣ In general, the Mayor or City Manager speaks for the City.
- ▣ In public settings, members must be crystal-clear whether they are speaking as an individual or for the Council.

### **Communication with Boards, Commissions, and Committees**

- ▣ No councilor should try to influence the deliberation or outcomes of board proceedings.
- ▣ The Liaison's role is to facilitate two-way communication, helping the board to understand the Council and the Council to understand the board.
- ▣ Liaison assignments should be equitably allocated among Council members based on their interests, availability, tenure on the Council, and other factors.

## **Working Relationship between Council and Staff**

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Council and staff are partners in serving the public. As members of the City team, they play different roles, but they should be working toward the same goals. Mutual trust, confidence, and respect are the keys to effective working relationships.

### **Communication between Councilors, City Manager, and Staff**

- ▣ In general, councilors should communicate only with the City Manager or department heads. Department heads will inform the City Manager when they have significant conversations with councilors. There are several exceptions:
  - ◆ You may communicate directly with staff members working with you on an ongoing assignment to a particular project.
  - ◆ You may communicate directly with seasoned staff members with whom you have a long-term working relationship.
  - ◆ Discuss personnel issues only with the City Manager.



- ◆ Councilors are encouraged to attend staff occasions, celebrations, and recognition events.
- Only the full Council may give direction to employees, and only through the City Manager. As a rule of thumb; this applies to any activity that takes more than one hour of staff time.
- Councilors are encouraged to take issues to the City Manager first, giving as much information as possible to ensure a thorough response.
- The City Manager shares information equally with all councilors.
- Staff should understand that different Council members prefer to communicate in different modes – telephone, email, in person.

### **Staff Reports**

- Staff's role is to gather facts, present objective analysis, and make recommendations based on their best professional judgment.
- Written reports should be succinct and prepared in a style agreed to by the Council.
- Presentations in public settings should be brief, in plain language, and supported with appropriate visuals.
- Councilors are encouraged to pose questions and concerns to staff members in advance of public meetings. This allows staff to respond thoroughly and accurately. It is especially important not to surprise staff in public.
- If substantive information is provided to one councilor, staff will provide the same information to all.
- Council decisions may take into consideration many other factors in addition to the staff recommendation.
- Regular and honest feedback helps everyone to work together more effectively.

### **Tips for Effective Councilors**

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- Respect the different styles of fellow councilors.
- Be open to changing your mind based on new information.
- Maintain your independence. Do not allow yourself to be seen as a member of a bloc.
- Take personal responsibility for encouraging respectful behavior among your fellow councilors.
- Strive for consensus, but don't settle for the lowest common denominator. When you have exhausted all avenues to come to agreement, accept that divided votes are simply part of the process.
- If you have a concern with another member, speak directly to that person.
- Be open with sharing information. Give unto others information you would want them to give unto you.



- Spend some casual time together. Invite fellow councilors to get together informally, particularly those of opposing views.
- Pick your spots. Try hard to win on matters important to you, and let others win on matters important to them and not so important to you.
- Recognize that you are seen as a councilor at all times, no matter how you may see yourself.
- Whenever you put anything in writing, assume that everyone in the city is looking over your shoulder.
- Be welcoming to speakers and treat them with respect. Remember that for many citizens, speaking in front of the Council is an unfamiliar and difficult experience.
- Learn the various businesses of the City. Schedule visits, walk-throughs, and ride-alongs to better understand the day-to-day picture as a basis for making policy decisions.
- Everyone does not have to weigh in on every question. Sometimes it's OK to just vote.
- When a discussion grinds, you might suggest taking a break.
- In general, praise people in public and criticize in private.

