



*On Beautiful Ten Mile Lakes*

**"Draft 2021 Update"**

# **City of Lakeside Rules of Council**

***CITY OF LAKESIDE, RULES OF COUNCIL***  
**TABLE OF CONTENTS**

<u>Section</u>	<u>Page</u>
1 Authority	2
2 Form of Government	2
2.1 The Council	2
2.2 Councilors	2
2.3 Mayor	2
2.4 Council President	2
3 Meetings	
3.1 Regular Meetings	2
3.2 Special Meetings	3
3.3 Emergency Meetings	3
3.4 Executive Sessions	3
3.5 Workshop/Study Sessions	4
3.6 Public Meetings Law	4
4 Agenda	4
5 Voting	5
5.1 Public Vote	6
5.2 Abstentions	6
5.3 Abstaining	6
6 Power and Duties of office	6
6.1 Mayor	6
6.2 Council President	7
6.3 Councilors	7
6.4 Council Hiring Procedures	8
6.5 Council Vacancies	8
7 Community Relations	9
7.1 Mayor	9
7.2 Councilors	9
8 Council Staff	10
9 Community	10

1 **AUTHORITY**

- 1.1 The Lakeside City Council prescribes rules, by resolution, to govern its meetings and proceedings.
- 1.2 Except as the Charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.

2 **FORM OF GOVERNMENT**

- 2.1 THE COUNCIL The Council consists of a mayor and 6 councilors nominated and elected from the City at large.<sup>1</sup>
- 2.2 COUNCILORS Three councilors are elected in each biennial general election for a term of 4 years.<sup>2</sup>
- 2.3 MAYOR The Mayor is elected in each biennial general election for a term of 2 years.<sup>3</sup>
- 2.4 COUNCIL PRESIDENT At its first meeting of each odd-numbered year, the Council elects a President from its membership voting by ballot. Whenever the Mayor is unable to perform the function of office, the President acts as Mayor.<sup>4</sup>

3 **MEETINGS**

3.1 REGULAR MEETINGS

- 3.1.1 The Council normally meets on the 2nd Thursday of each month, but shall meet at least once each month.<sup>5</sup>
- 3.1.2 A regular meeting may be cancelled or postponed with the consent of two-thirds of the Council.
- 3.1.3 When a regular meeting falls on a holiday, the meeting is re-scheduled within that month.
- 3.1.4 Meetings normally begin at 7:00 p.m. and adjourn no later than 10:00 p.m., unless the adjournment time is extended by a vote of the Council.
- 3.1.5 A meeting of the Council may adjourn to a later date and time, but no later than the next regularly scheduled meeting.
- 3.1.6 Four members of the Council constitute a quorum for its business.<sup>6</sup>
- 3.1.7 "Robert's Rules of Order Revised" serves as a guide for the proceedings of the Council. The Mayor has the authority to determine their applicability. Questions are resolved by the City Recorder/Manager. If there is a Robert's Rules of Order Revised and the City Charter conflict, the Charter

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<sup>1</sup> Lakeside Charter, Chapter 3, Section 7

<sup>2</sup> Lakeside Charter, Chapter 3, Section 8

<sup>3</sup> Lakeside Charter, Chapter 3, Section 9

<sup>4</sup> Lakeside Charter, Chapter 4, Section 18

<sup>5</sup> Lakeside Charter, Chapter 4, Section 13

<sup>6</sup> Lakeside Charter, Chapter 4, Section 14

prevails.

3.1.8 A motion shall be clearly and concisely stated. The Mayor states the name of the councilor who made the motion and the councilor who seconded it.

3.1.9 When the Council concurs with an item that does not require a formal motion, the Mayor shall summarize the agreement at the conclusion of the discussion.

### 3.2 SPECIAL MEETINGS<sup>7</sup>

A special meeting may be called by the Mayor, or shall be called if requested by three councilors, or may be held at any time by the common consent of all the members of the Council. Special meetings require 24 hours notice and only business stated in the notice may be discussed.

### 3.3 EMERGENCY MEETINGS<sup>8</sup>

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. The governing body must attempt to contact the media and other interested persons to inform them of the meeting.

### 3.4 EXECUTIVE SESSIONS<sup>9</sup>

3.4.1 The Public Meetings Law authorizes governing bodies to meet in an executive session in certain limited situations. An "Executive Session" is defined as "any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters." No final action can occur. Discussion must be limited to the defined reason under ORS 192.660(1):

- (a) Employment of public officers and employees and agents.
- (b) Discipline of public officers and employees.
- (c) Performance evaluations of public officers and employees.
- (d) Labor negotiator consultations.
- (e) Labor negotiations.
- (f) Exempt public records.
- (g) Legal counsel.
- (h) Real property transactions.
- (i) Preliminary trade or commerce negotiations.
- (j) Public investments.
- (k) To discuss information about review or approval of programs relating to the security of any of the following:
  - Generation, storage or conveyance of: Electricity, gas in liquefied or gaseous forms; hazardous substances defined in ORS 453.005(7)(a,b,d), petroleum products, sewage or water

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<sup>7</sup> ORS 192.640(3)

<sup>8</sup> Attorney General's Public Records and Meetings Manual, Public Meetings

<sup>9</sup> ORS 192.660(3); Attorney General's Public Records and Meetings Manual, Public Meetings

- Telecommunications systems, including cellular, wireless or radio systems
  - Data transmissions by whatever means provided
- (l) Labor negotiations, if requested by both sides - no notification requirements.

3.4.2 Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (1)(d). By adoption of these rules, the governing body shall require the mayor to announce that representatives of the news media are specifically directed not to report or disclose any information regarding the subject of the executive session.

3.4.3 The Council may permit specified individuals to attend the executive session. These individuals should be reminded; however, they may not disclose such information to any other members of the public.

3.4.4 The Council may arrive at a consensus during Executive Session, but action is required to be carried out in public session.

### 3.5 WORKSHOP / STUDY SESSIONS

A workshop and/or study session may be held with appropriate notice. The workshop/study session is normally scheduled to discuss major policy or philosophical issues, changes in policy, council goal-setting, and for educational purposes. No public input is permitted during a workshop/study session unless specifically allowed by the Council. A public input period will be allowed when the subject comes before the Council for action at a regular meeting.

A mid-year budget review will be presented by staff at a workshop/study session by the second week of January each year.

### 3.6 PUBLIC MEETINGS LAW<sup>10</sup>

3.6.1 "The key requirements of the Public Meetings Law are to hold meetings that are open to the public unless an executive session is authorized, to give notice of meetings and to take minutes. In addition, there are requirements regarding location, voting, and accessibility for disabled persons."

3.6.2 A public body has the right to establish guidelines on what, if any, public input is allowed, when it is allowed, and what time limits are imposed.

3.6.3 "The Public Meetings Law only guarantees the public a right to monitor the meetings of public bodies; it does not grant members of the public the right to interact with public bodies during those meetings."<sup>11</sup>

## 4 **AGENDA**

4.1 The City Recorder/Manager's office prepares an agenda for each Council meeting.

4.2 Items are placed on the Council agenda by any of the following:

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<sup>10</sup> ORS 192.610-690

<sup>11</sup> Attorney General's Public Records and Meetings Manual

- By a majority vote or consensus of the Council
- At the request of the Mayor or a Councilor
- By a citizen or agency requesting Council action relating to City Business (See item 4.3)
- By staff

4.3 Documents for the agenda shall be received by the City Recorder/Manager no later than 4:00 p.m. 7 days (one week) prior to a monthly meeting. Only documents deemed urgent by the Mayor, City Council, City Attorney or City Recorder/Manager may be added late to the agenda. Citizens submitting material by the 7-days prior deadline are encouraged to provide sufficient written information to allow staff to research the issue and make recommendations to the Council for appropriate action. Mayor and Council have discretion to amend the agenda for emergency situations.

4.4 Councilor packets are normally available at City Hall by 4:00 p.m. on Friday, prior to a Thursday meeting. If not picked up by 4:30 p.m., and if the Councilor has not notified the City Recorder/Manager that it will be picked up before 4:30 p.m. at City Hall, the packets will be placed in the Councilor's box for pick-up.

4.5 Public packets are available at City Hall for a fee on the Monday prior to the Thursday meeting or may be viewed at no cost on the premises at City Hall.

4.6 The agenda for a Council meeting may contain a consent agenda (a group of routine matters normally dealt with in a single motion). Items on the consent agenda may be removed for discussion by either a council member or staff. The Mayor assigns a new location on the agenda for the removed item(s) before approval of the consent agenda.

4.6.1 If removed from the consent agenda, Action items require a vote of the council after discussion.

4.6.2 If removed from the consent agenda, Information items do not require a vote after discussion.

4.7 Agenda items continued from one meeting to another have preference on the subsequent agenda to the extent possible.

4.8 All staff reports to the Council are submitted on an approved Staff Report form with a recommendation for action.

4.9 Staff provides fiscal reports to the Council for review monthly.

4.10 If written material comes in for an item that is not on the agenda, it will be placed in the Councilors' mailboxes.

4.11 Material received that is relevant to a pending hearing will be distributed at the time the hearing packet is prepared, or distributed at the hearing if received too late for the packets.

## 5 VOTING

5.1 All official actions by the Council are taken by public vote.<sup>12</sup>

### 5.2 Abstentions<sup>13</sup>

5.2.1 Abstention does not count as a vote in favor of the majority position when action requires the concurrence of a majority. "... an abstention does not count as either an affirmative or a negative vote." [Attorney General's Manual]

5.2.2 A member who is present but abstains may be counted toward a quorum.

5.2.3 Councilors are elected to make decisions. To abstain is to fail to perform a most important function. Absent compelling circumstances, for example, a pecuniary conflict of interest problem, members should not abstain from voting.

## 6 POWERS AND DUTIES OF OFFICE<sup>14</sup>

### 6.1 MAYOR

6.1.1 Preserves order, enforces the Rules of the Council, and determines the order of business.

6.1.2 Keeps the discussion moving if it wanders or bogs down.

6.1.3 With the exception of the Planning Commission, makes committee appointments, subject to the ratification by the Council.

6.1.4 In considering candidates for appointment to City committees, shall consider relationships of individuals who may serve on the same committee, both personal and business, including any conflicts of interest or perceptions of conflict of interest.<sup>15</sup>

6.1.5 Has no veto power.<sup>16</sup>

6.1.6 Signs all adopted ordinances within 3 days of their passing.<sup>17</sup>

6.1.7 Endorses bonds, contracts, and licenses.

6.1.8 Informs the Council and the public of current activities, workshops, and special events.

6.1.9 Admonishes any Councilor not to reveal Executive Session material.

6.1.10 Declares a State of Emergency as necessary.

6.1.11 Encourages the Councilors to attend the annual League of

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<sup>12</sup> Attorney General's Public Records and Meetings Manual

<sup>13</sup> Attorney General's Public Records and Meetings Manual

<sup>14</sup> See also LOC Handbook for Oregon City Councils

<sup>15</sup> Lakeside City Charter, Chapter 5, Section 20

<sup>16</sup> Lakeside City Charter, Chapter 5, Section 20

<sup>17</sup> Lakeside City Charter, Chapter 5, Section 20

Oregon Cities Convention.

6.1.12 Participates in the City's Disaster Plan.

6.1.13 Does not attempt to change or interfere with the operation and practices of any City department; desired changes are coordinated with the City Recorder/Manager after Council discussion and direction.

## 6.2 COUNCIL PRESIDENT<sup>18</sup>

6.2.1 Presides over meetings in the absence of the Mayor.

6.2.2 Performs all mayoral functions in the absence of the Mayor.

6.2.3 Works closely with the Mayor, Council and staff as need dictates.

6.2.4 Participates in the City's Disaster Plan in the absence of the Mayor.

## 6.3 COUNCILORS

6.3.1 Set the policy for the City of Lakeside; the Council can pass ordinances, adopt the Comprehensive Plan, adopt the budget, monitor finances, hire and fire Council employees, retain legal counsel, and determine the measures it considers necessary to correct any deficiencies disclosed in the audit report."<sup>19</sup>

6.3.2 Uphold the Lakeside City Charter and Ordinances, and State and Federal law.

6.3.3 Inform the City Recorder/Manager if absence from a regular or special council meeting cannot be avoided.

6.3.4 In the absence of the Mayor and Council President, elect a chair of the meeting from the members present.

6.3.5 Determine the annual evaluation format to be used for Council employees.

6.3.6 At the first of every odd-numbered year establish City of Lakeside goals; oversee staff activities to achieve the goals.

6.3.7 Keep the Rules of the Council current; review the rules with new council members prior to being sworn in. The Rules of the Council may be amended or new rules adopted by a majority vote of the Council.

6.3.8 Refer Lakeside City Charter revisions to the public for a vote as needed.

6.3.9 Encourage staff to schedule only one or two major topics (if controversial or difficult) per meeting.

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<sup>18</sup> Lakeside City Charter, Chapter 4, Section 18

<sup>19</sup> ORS 297.477(2)



6.3.10 Do not attempt to change or interfere with the operation and practices of any City department; desired changes are coordinated with the City Recorder/Manager after Council discussion and direction. Councilors shall, at all times, refrain from actions that would undermine the administrative authority of the City Recorder/Manager or city staff.

6.3.11 Use the nine-step proactive mode policy approach:

- Identify problems and needs.
- Establish community goals.
- Determine objectives.
- Develop and analyze alternative means for achieving objectives.
- Establish priorities.
- Develop programs.
- Implement programs.
- Monitor and evaluate programs.
- Obtain feedback.

6.3.12 Pick-up mail from box at City Hall in a timely fashion.

6.3.13 In ratifying Mayor's recommendations to City committees, consider relationship of individuals who may serve on the same committee, both personal and business, including any conflicts of interest or perceptions of conflict of interest.

6.3.14 The Senior Councilor (based on continuous years in office) participates in the City's Disaster Plan in the absence of the Mayor and Council President.

6.3.15 If a Councilor wishes to request information or assistance from City staff, the request must be directed to the City Recorder/Manager. The City Recorder/Manager may assign the matter to the appropriate staff, if it is determined the request will require 30 or fewer minutes of staff time. A request that requires more than 15 minutes of staff time must first be approved by the Council as a whole.

#### 6.4 COUNCIL HIRING PROCEDURES

6.4.1 Council Employees: The City Council selects and appoints the City Recorder/Manager, Municipal Judge and City Attorney.

6.4.2 When a Council employee position becomes vacant, the recruitment procedure followed is specified by the City Employee Handbook.

#### 6.5 COUNCIL VACANCIES<sup>20</sup>

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<sup>20</sup> Lakeside City Charter, Chapter 7, Sections 31 and 32

6.5.1 An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation, recall from office, or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within ten days after the time for his term of office to commence; or in the case of a mayor or councilor, upon his absence from the city for 30 days without the consent of the council or upon his absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy. In the event a mayor or councilor ceases to be a resident of the city of Lakeside, his office shall be declared vacant.

When a vacancy occurs on the Council, applicants are solicited through advertising and posting. The qualified candidate is an elector who must have resided in the City during the preceding 30 days and shall maintain his or her residency in the City of Lakeside during the term of office.

6.5.2 Applicants are interviewed by the Council. The Council is the final judge of the qualifications and election of its own members. Vacant elective offices in the city shall be filled by appointment. A majority vote of the council shall be required to validate the appointment. The selected candidate is appointed by the Council to serve the remainder of the term of the position vacated

6.5.3 The appointee's term of office shall begin immediately upon his appointment and shall continue until a successor is elected at the next regular general election to fill the remainder of the unexpired term of said office.

## **7 COMMUNITY RELATIONS**

### **7.1 THE MAYOR**

7.1.1 Encourages courtesy so councilors and citizens feel comfortable saying what they deem important.

7.1.2 Has the authority to preserve order at all meetings of the Council, cause the removal of any person from any meeting for disorderly conduct, command the assistance of a Sergeant at Arms to restore order at any meeting and, if the meeting becomes disorderly, can adjourn or recess the meeting.

7.1.3 Enforces the time limits of 3-5 minutes maximum for public comments. Public comments are not action items; if a vote is requested or required, discussion must be scheduled for the next regular meeting.

7.1.4 Encourages citizen participation on committees, boards and other city projects.

### **7.2 COUNCILORS**

- 7.2.1 Ask the mayor to be recognized before speaking.
- 7.2.2 Respect Council decisions even if they do not agree.
- 7.2.3 Admit mistakes, problems and blunders in order to resolve them together.
- 7.2.4 Speak one at a time allowing one another to finish, and shall encourage all Councilors to participate.
- 7.2.5 Shall focus on a single issue or topic at a time.
- 7.2.6 Discuss major policy or philosophical issues at a workshop; during a discussion on any topic may ask that an issue be scheduled for a workshop.
- 7.2.7 Are brief and concise in stating views; avoid jargon.
- 7.2.8 Share the responsibility for making motions.
- 7.2.9 Delay decisions until all the testimony is heard at the meeting.
- 7.2.10 May leave a meeting for a brief personal break as necessary.
- 7.2.11 Shall refer citizens to the City Recorder/Manager to have complaints or questions placed on the agenda with the appropriate background information.
- 7.2.12 Shall not repeat to other persons what a member of the Council has said, in a manner intended to embarrass.
- 7.2.13 Keep all executive session material in complete confidence to ensure that the City's position is not compromised. No mention of such information read or heard should be made to anyone other than another Councilor, the City Recorder/Manager OR City Attorney.
- 7.2.14 Step down and do not participate in the discussion or vote when any of the following conditions exist:
- Councilor or family (spouse, parents, children, brothers or sisters) have personal financial interest.
  - Ownership of property within noticed area
  - Direct private interest.
  - Other valid reasons showing a councilor cannot be impartial.
- 7.2.15 Comply with conflict of interest law
- 7.2.16 Councilors will not engage in personal attacks, will not impugn the motives or attack the knowledge, skills, abilities or personalities of any speaker, and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of the office.
- 7.2.17 When a Councilor represents the City before another governmental agency, a community organization or in the media, the Councilor will first indicate the majority position of the Council.

Personal opinions and comments may be expressed only if the Councilor clarifies that the statements do not represent the position of the Council.

## **8 COUNCIL STAFF**

- 8.1 Avoids asking the Council to make operational decisions; acknowledges that the Council makes policy and staff administers the policies.
- 8.2 Helps the Council make good policy by providing good information.
- 8.3 Advocates planning and goal setting.
- 8.4 Ensures information flows to all Council members.
- 8.5 Credits good results to the Council as well as to staff.
- 8.6 Ensures that mail marked personal or confidential addressed to a specific Council person is not opened by staff or included in the packet without the addressee's consent.
- 8.7 Provides mailboxes for Council members at City Hall.
- 8.8 Sees that public statements, information, or press releases are handled by designated staff, mayor or a council spokesperson
- 8.9 Reports on needs and operating conditions.
- 8.10 Recruits, hires, disciplines, evaluates and motivates employees.
- 8.11 Acts as a conscientious purchasing agent, keeping the city fiscally sound.
- 8.12 Acts as a public liaison and problem solver.

## **9 COMMUNITY**

- 9.1 A citizen is entitled to receive, and is expected to display: dignity, civility and sensitivity in all meetings and public contacts.
  - 9.1.1 The Mayor shall attempt to make the speaker feel comfortable and the Council will listen without interruption.
- 9.2 Oregon's Public Meetings Law does not include the right to participate by public testimony or comment, but traditionally the Lakeside City Council encourages such participation and testimony.
  - 9.2.1 It is appropriate for the public to participate during public hearings and public comment periods or when making scheduled reports or presentations.
- 9.3 A citizen should first be recognized by the Mayor. Each speaker states his or her name and City of residence for the record.
  - 9.3.1 Remarks are addressed to the Council as a body, not to any member thereof, or to the audience.
  - 9.3.2 Questions asked of Council members shall be appropriate and asked through the Mayor.

9.3.3 Time limits should be adhered to as specified on the agenda or by the Mayor.

9.3.4 A citizen's request will be directed to staff to research and report to the Council, either on the administrative report, or as an agenda item at a future meeting.

9.3.5 If written material is brought to the meeting to be distributed to the Council for reading, the presenter shall not read the entire document to the Council. The presenter should either highlight briefly the written material or supplement it with additional facts.

9.3.6 Exhibits, photographs, maps, graphs, etc. presented at a Council meeting become the property of the city.

9.4 Citizens may file a complaint on procedures if they believe they are an aggrieved party.