

**CITY OF HILLSBORO
CITY COUNCIL RULES**

A. AUTHORITY

City Charter Sections 11, 12 and 14 refer to meetings, quorum and records for Council meetings and require the Council to adopt a resolution relating to those subjects. The Council wishes to comply with the Charter and to adopt a resolution that governs the conduct of its meetings. The Council will review this resolution at least annually. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

B. DEFINITIONS As used in this resolution, the following mean:

- City Commissions: All City commissions, boards, committees, task forces and advisory bodies.
- Council and Council members: The Mayor, the Council President and the Councilors.
- Councilors: The Council President and the Councilors.
- Mayor: The Mayor, or in the absence of the Mayor, the Council President or other Presiding Officer.

C. COUNCIL MEETINGS

1. Regular Meetings to conduct Council business will be held the first Tuesday of each month and additionally as needed. Meetings will be held at the Civic Center unless another location is approved by the Council.
2. Work sessions to develop city policy will be held each month, or more frequently as the need arises. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Manager in consultation with the City Council.
3. Special meetings may be called by the Mayor, Council President in the absence of the Mayor or by a majority of the Council.
4. Executive sessions will be held in compliance with the Oregon Public Meetings Law.
5. Minutes will be taken as provided by the Oregon Public Records Law.

6. Telephonic/electronic meetings may be held in compliance with the Oregon Public Meetings Law. Council members may participate and vote in Council meetings via telephone, electronically or by other means consistent with the Oregon Public Meetings Law.

7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings. Absence from the City for 30 days without Council consent, or from all Council meetings within a 60-day period may result in a declaration by the Council stating that the council position is vacant.

Excused absences from Council meetings include:

- Death in the family
- Illness
- Family emergency
- Scheduled vacation; however Councilors are encouraged when possible to schedule vacations during scheduled Council recesses
- Essential business duties
- On City business
- Other absences as excused by the Mayor

D. AGENDA

1. The agenda headings for Council business meetings are generally as follows:

- PLEDGE OF ALLEGIANCE
- CALL TO ORDER - ROLL CALL
- CONSENT AGENDA
- PRESENTATIONS AND APPOINTMENTS
- PUBLIC HEARINGS
- UNFINISHED BUSINESS
- ORDINANCES (with subheadings “FIRST READING” and “SECOND READING”)
- NEW BUSINESS
- COMMUNICATION AND NON-AGENDA ITEMS
- CITY MANAGER REPORT
- ADJOURNMENT

2. The City Manager will prepare and schedule agenda items. Council members may request that items be placed on an agenda. Council members may make agenda suggestions at any Council meeting or by communication with the City Manager. Council members will make best efforts to reach consensus on agenda items and should obtain staff input before requesting an agenda item. Agendas will generally be set to allow meetings to end no later than 10:00 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.

3. Items appropriate for the consent agenda are items that are deemed to be non-controversial and not likely to require separate discussion. The consent agenda is generally approved with one motion. Any Council member may ask that any item be removed from the consent agenda. Upon such request, the item in question will be moved to the new business section of the agenda.

E. COUNCIL DISCUSSIONS AND DECORUM

1. Council members will conduct themselves so as to bring credit upon the city government by ensuring non-discriminatory delivery of public services, keeping informed about matters coming before the Council and abiding by Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor in preserving order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey rulings of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks or impugn the motives of any speaker.
3. The following ground rules will be observed to maintain order and decorum during Council discussions:
 - a. Council members will gather necessary information and ask questions of City staff before meetings.
 - b. Council members will have an opportunity to speak once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
 - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
 - d. During public meetings, Council members will not attempt to edit or revise prepared ordinances. Amendments to proposed ordinances may be appropriate, but input from the City Manager or the City Attorney will be sought to accomplish the Council members' objectives.
 - e. Council members will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on only one issue or topic at a time.
 - f. Council members will focus on city issues and avoid becoming involved in "extra-territorial" issues.

g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.

h. Council members will not disguise statements as questions or use repetition as a way to convince others.

i. Council members will keep discussions moving and call for a “process check” if the Council becomes bogged down in discussions.

j. Council members will set and adhere to time limits on discussions.

k. Council members will refrain from criticizing or attacking each other, City staff or other persons.

l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.

4. Public Comment.

a. Citizen and community group testimony forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state his or her name for the record. The Council may set time limits for comments. The Council may request that groups with similar comments choose a spokesperson to present joint remarks.

b. During public hearings, all public comment must relate to the matter under discussion and addressed to the Mayor and Council.

c. In general, Council members will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before being placed on a future agenda.

F. MOTIONS

1. General.

a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.

b. The motion maker, Mayor or City Recorder should repeat the motion prior to voting.

c. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes and a point of order do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.

d. Discussion of a motion is open to all Council members who wish to address the motion. A Councilor must be recognized by the Mayor before speaking.

e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflict of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion. Pursuant to the City Charter, the Mayor votes to break a tie, and also votes in the case of appointment of the City Manager, the City Attorney, and the Municipal Judge.

f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes should do so briefly and succinctly.

2. Withdrawal. A motion may be withdrawn by the motion maker at any time without the consent of the Council.

3. Tie. A motion that receives a tie vote fails. The Mayor votes to break a tie, as provided by the Charter.

4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.

5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.

6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds vote. Debate may continue if the motion fails.

7. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table and reconsider may not be amended.

8. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

G. COUNCIL MEMBER CONDUCT

1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:

a. Whether the statement reflects personal opinion or is the official position of the City; and

b. Whether the statement is supported by a majority of the Council.

If the Council member is representing the City, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

2. Censure.

a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.

b. Before taking any action to publicly reprimand or censure a Council member, the Council must plainly state its concerns in writing or in an open public meeting, and the Council member must have a reasonable opportunity to respond.

c. The Council may thereafter investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

H. CONFIDENTIALITY

1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.
2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. The Council may censure a member who discloses a confidential matter or otherwise violates these rules.

I. COMMUNICATION WITH STAFF

1. Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
 - a. Working with the staff as a team with a spirit of mutual respect and support.
 - b. Except in a Council meeting, not attempting to influence a City employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of City licenses and permits. However, the sharing of ideas on these matters is appropriate.
 - c. Limiting individual contacts with City staff to the City Manager, Executive Management, or other designated staff so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the City Manager authority or prevent the full Council from having the benefit of any information received. To this end, Council members shall not request City staff to perform significant work without the prior approval of the City Manager, so that workloads and work plans are not adversely impacted.
 - d. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.

2. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information. In situations where staff provides a copy of an existing document previously provided to the Council, staff will advise the entire Council rather than providing the material to each Council member.
3. The Mayor will refer any comments or questions regarding City personnel or administration to the City Manager. The Mayor may redirect other questions to a Council member or the City Manager, as appropriate. Council members may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

J. MINUTES

1. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:
 - The name of Council members and staff present;
 - All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
 - The result of all votes, including ayes and nays and the names of the Council members who voted;
 - The substance of the discussion on any matter; and
 - Reference to any document discussed at the meeting.
2. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, Council members should read and submit any changes, additions or corrections to the City Recorder so that a corrected copy may be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.
3. The City Recorder or designee will make an audio recording of all meetings. The City Recorder will maintain custody of all recordings, but a Council member may obtain a copy of any recording. A Council member may obtain a meeting transcript or partial transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval. The City Recorder is authorized to produce transcripts as required by law.

K. ADJOURNMENT

1. Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.

2. Upon the request of a Council member, a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:
 - When made as an interruption of a member while speaking; or
 - While a vote is being taken.

L. BIAS AND DISQUALIFICATION

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by the Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.
2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and to leave the Council table.
3. If the Council believes the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

M. EX PARTE CONTACTS AND DISQUALIFICATION

1. For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts may be either oral statements when other interested parties are not present, or written information that other interested parties do not receive.
2. If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether he or she will participate or abstain.
3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

N. OREGON GOVERNMENT ETHICS COMMISSION REQUIREMENTS AND REPORTING

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with state law, it is each Council member's responsibility to file all required statements of economic interest with the Oregon Government Ethics Commission.

O. LEGAL ADVICE

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Manager to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager, clarification questions or communications that are City business-related and require a reasonable amount of attorney time, and unique or sensitive personal, yet City business-related, requests.

P. ROBERT'S RULES

Robert's Rules of Order Revised will be used as the guideline for conduct of Council meetings, except where these Rules specifically apply.

Q. COMMISSIONS, BOARDS, COMMITTEES, ORGANIZATIONS & MEDIA

1. Citizen Appointment and Removal.

a. The Mayor will appoint the City commissions, boards and committees, including ad hoc committees, with the consent of the Council by majority vote at a Council meeting. The Mayor may request assistance from Councilors in making recommendations.

b. Council members will encourage broad participation on City commissions, boards and committees by generally limiting the number of terms a citizen may serve.

c. A citizen should not serve on more than two City commissions, boards or committees simultaneously, in order to encourage the broadest possible citizen involvement. Any citizen serving on two City commissions, boards or committees may not be chairperson of both simultaneously. This limitation does not apply to service on the City Budget Committee.

d. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.

2. Council Member Participation.

a. Council members will encourage citizen participation in City commissions, boards and committees.

b. Council members may and are encouraged to attend meetings but shall (1) be mindful of their role as individual Council members and not representing the full Council unless specifically authorized to do so, and (2) facilitate full discussion and participation by the regular members of the body. Council members should limit their attendance at and participation in meetings at which quasi-judicial public hearings are conducted on matters that are appealable to Council, so as to avoid challenges for bias as set forth in Section L of these rules.

3. Organizations and Media.

a. If the Mayor or a Council member represents the City before another governmental agency, a community organization or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that he or she does not express the Council position.

b. Council members should obtain the appropriate permission before representing another Council member's view or position with the media.

R. CITY MANAGER EVALUATION

1. Criteria. The standards, criteria and policy directives used in the evaluation of the City Manager will be adopted at a regular Council meeting in accordance with state law.

2. Process.

a. Evaluation sessions will be scheduled in accordance with the City Manager's decision on whether to hold the evaluation in open or executive session.

b. By November 1, the City Manager will prepare a written assessment identifying major accomplishments. This assessment will be distributed along with an employee evaluation form to the Council.

c. By November 15, Council members will review the elements in the evaluation forms in response to the City Manager assessment.

d. At the second meeting in November the Mayor and Council will meet in executive session to discuss their assessment of the City Manager's performance and to decide what message will be delivered to the City Manager. This is also the time to draft the criteria and goals for the upcoming year to discuss with the City Manager

e. At this or a subsequent meeting, the Council will then meet with the City Manager in an evaluation session. Council summary comments and individual Council member comments will be made. The City Manager will have an opportunity to respond to all comments. The effect of the evaluation on the City Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the City Manager.

f. Compensation may not be discussed in executive session. The Council may convene with the City Manager in open session to review any final performance evaluation and discuss compensation. Any final summary of the evaluation process shall be prepared by the City Attorney and the Mayor.

3. Contract. The City Attorney and Mayor or other designated member of the City Council will prepare any employment contract amendments to the City Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting. The evaluation process should be concluded by the end of December each calendar year, although the formal consideration of any contract amendment may occur in the following year.

S. COUNCIL EXPENSES

1. Reimbursement. The Council will follow the same rules and procedures for reimbursement as City employees, as established by City policy. Councilor expenditures for other than routine expenses (e.g., conference registration, travel, etc.) require advance Mayor approval according to the purchasing rules which apply city-wide. Unless requested otherwise, the City Recorder will coordinate travel accommodations for Councilors.
2. Budget. The Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by City staff during a public meeting.
3. Mayor and Council member compensation. The Mayor and Council establish the parameters of City policy governing Mayor and Council member compensation. The Mayor and Council may be compensated for their efforts on behalf of the City in addition to the expense reimbursement described above. Actual compensation amounts shall be reviewed, consistent with Council policy, through the City's annual budget process.