

ORDINANCE NO. 2013-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEELER, OREGON  
UPDATING THE CITY COUNCIL MEETING RULES

WHEREAS the ordinance establishing operating rules for the Wheeler City Council has not been comprehensively reviewed and updated for a significant amount of time; and

WHEREAS the City Council wishes to ensure that its rules enable it to function in an efficient and effective manner;

NOW, THEREFORE, the City of Wheeler ordains as follows:

Ordinance 2004-04 shall be replaced by the following:

Section 1. Authority.

- 1.1 The authority for this ordinance is the statement in Chapter IV, Section 12 of the 2002 Charter, as Amended, which states “The Council shall by ordinance prescribe rules to govern its meetings and proceedings.”
- 1.2 These Council rules are to be supplementary and subordinate to the City Charter, the laws of the State of Oregon, and the United States of America.
- 1.3 The Council shall review these rules at least once every two years. Amendments shall be adopted by a majority vote of the full Council excluding the Mayor.

Section 2. Meetings and Workshops.

- 2.1 Definition. ORS 192.610(5) states that a meeting means the convening of the 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. Council meetings and workshops are subject to Oregon Public Meetings Law, ORS 192.610 – 192.990. Written notice shall be posted at City Hall and the Post Office. Members of the media and the public who have asked to be notified of meetings shall be notified in the usual manner for all the types of meetings described in this Section.
- 2.2 Regular Meetings. The Council shall meet regularly on the third Tuesday of each month at 7:00 p.m. within the city of Wheeler. The meetings calendar shall be set by the Council each December for the following year.
  - A. Mayor’s Vote:  
The Mayor has no vote, except in cases of tie. (Section 16(3) of 2002 Charter as amended).

- B. Mayor's Functions at City Council Meetings
1. Act as chairperson of Council Meetings and preside over deliberations of the Council.
  2. Preserve order.
  3. Enforce Council rules.
  4. Meeting agendas shall be prepared by the City Manager, with the approval and consent of the Mayor.

2.3 Special Meetings. The Mayor, or in the Mayor's absence, the president of the Council, may call a meeting at any time, or shall on written petition of three Councilors, call a meeting at any time for the transaction of the business mentioned in the petition. 24 hours notice is required (ORS 192.640(3)). Written notice of a special meeting shall be given each member of the Council. The notice shall be served on each member personally, or if a Councilor is not found, left at his or her place of residence.

- A. Council President. Except in voting on questions before the council, the President shall function as Mayor when the Mayor is:
1. Absent from a Council Meeting
  2. Unable to function as Mayor

The President shall attempt to contact the Mayor, by the most expeditious means possible, if the President schedules a special meeting or executive session of the Council in the Mayor's absence. The intent would be to provide the Mayor with the opportunity to attend the meeting if possible.

2.4 Emergency Meetings. In the case of an actual emergency, the Mayor, or in the Mayor's absence, the President of the Council, may call an emergency meeting on less than 24 hours notice. The minutes of the meeting shall describe the emergency justifying less than 24 hours notice. (ORS 192.640(3)) An attempt must be made to contact the media and other interested parties to inform them of the meeting. Such contacts may be by telephone, e-mail, or facsimile.

2.5 Public Hearings. The format for public hearings shall be established as a city policy subject to revision as state law requires.

2.6 Executive Sessions. ORS 192.660, Executive sessions may be held during regular or special meetings, or as stand alone meetings, so long as appropriate statutory limitations are met.

2.7 Continuation of a Meeting. Upon majority vote of the Councilors present and eligible to vote, any meeting may be continued to a later date or time, provided that no continuation or adjournment shall be for a period longer than until the

next regular scheduled meeting.

- 2.8 Workshops. Workshops shall be held as needed to gather information and informally discuss specific issues or questions. The location, date, and time shall be determined at regular Council meetings. The public may attend workshops, but may not participate unless expressly asked.
- 2.9 Attendance by City Manager. The City Manager shall attend all Council meetings unless excused by the Council or the Mayor. (Section 21(6)(a) of 2002 Charter as amended) Staff shall attend when requested by the City Manager.

### Section 3. Mechanics of Meetings.

- 3.1 Quorum. The Mayor, or in his/her absence the president of the Council, shall call the meeting to order at the hour designated for the meeting. The City Charter defines a quorum as a majority of the Councilors. (Section 14) If a quorum is not present, the City Manager shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.
- 3.2 Rules of Order. Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by these Rules of Order. The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose. The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Council.

#### A. Main Motion

1. Only one main pending motion may be considered at any given time.
2. The main motion is debatable, may be amended, may be reconsidered and may be rescinded.
3. The main motion may take the form of a resolution and, if presented to the Council for consideration, it must be handled just like any other main motion.
4. Council members have the right to know at all times what the motion immediately pending is, and to have it re-stated before a vote is taken.

#### B. Ordinary Motion

1. To amend
2. To refer (debatable)
3. To postpone (debatable)
4. To limit (not debatable. shall require 4 votes to pass)

5. To close debate (not debatable, shall require 4 votes to pass)
6. To recess (not debatable)
7. To adjourn (not debatable)
8. To Table (debatable)

Ordinary motions may be made during the consideration of a main motion.

C. Special Motions

1. Point of order
  - a. Not debatable or amendable and requires no vote
  - b. The chair decides the point at issue subject to appeal to council
  - c. Though an appeal, it is not amendable, may not be postponed or referred to committee
  - d. The decision of the majority of the Councilors on the appeal shall be final.

A point of order may be used to call the attention of the Chair to a violation of the rules, an omission or mistake in the proceedings, a disturbance in the audience or any unusual situation requiring immediate attention.

2. To Reconsider
  - a. Its purpose shall be to permit a vote taken on a main motion in the same meeting to be set aside and the motion again considered and voted on as if no previous vote had been taken on it.
3. To Rescind
  - a. Its purpose shall be to cancel or void, the results of a motion previously passed.
  - b. It may be made in a meeting other than that in which the motion to be rescinded was passed.
  - c. It is debatable and amendable only as to the portion of the decision to be rescinded.

All motions, other than point of order motions, shall require a second.

3.3 Agenda. An agenda for each regular Council meeting shall be prepared by the City Manager. Council members may place specific items on the agenda. Agendas for regular Council meetings shall be posted at City Hall and the Post Office at

least four days prior to the meeting time. The Council shall consider at the meeting only matters that appear on the agenda for that meeting, except in the case of an emergency. The Council may discuss items added by a Council member at the meeting. Members of the media and the public who have asked to receive a copy of the agenda shall be supplied an agenda in the usual manner.

- 3.4 Consent Calendar. In order to make more efficient use of meeting time, the City Manager shall place minor administrative items, such as the approval of the order of business on the agenda, meeting minutes and financial reports, that are routine in nature and concerning which no debate is expected on a "consent calendar." Any item placed on the cot calendar shall be removed at the request of a Councilor prior to the time a vote is taken on the consent calendar. All remaining items on the consent calendar shall be disposed of by a single motion "to adopt the consent calendar," which shall not be debatable. Adoption of the consent calendar shall be by the affirmative vote of all Councilors present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item Oil the consent calendar shall be voted upon separately in the usual manner.
- 3.5. Order of Business. The order of business at regular Council meetings shall be as follows, unless otherwise prepared by the City Manager and approved by the Mayor, or unless amended by the Councilors when adopting the consent calendar:
- 1) Call to Order
  - 2) Roll Call
  - 3) Oaths of Office
  - 4) Consent Calendar
  - 5) Presentations, guests, and announcements
  - 6) Public comment on non-agenda items
  - 7) City Manager & Public Works Department report
  - 8) Public hearings
  - 9) Old business
  - 10) New business
  - 11) Committee reports
  - 12) Mayor and Councilor comments
  - 13) Adjournment
- 3.6 Record of Proceedings. A written record, commonly called minutes, shall be kept of all meetings except Executive Sessions. (ORS 192.650) The minutes shall be prepared in a timely fashion, and shall be presented to the Council by the Friday before the Regular Council meeting for review, amendment and approval. All

motions made, seconded or not, shall be recorded. Whenever results of an election are announced at a meeting, the vote counts shall be recorded in the minutes. Approval of the minutes shall be the authentication required by Section 15 of the 2002 Charter as amended. Executive Sessions shall be recorded on audio tape only; no written record shall be provided except as required by law. (ORS 192.650(2)) Audio tapes of any meetings other than Executive Sessions shall be retained for seven years.

- 3.7 Councilor Decorum. The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal by a member of the Council. The Councilors shall help the Presiding Officer preserve decorum and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the lawful directions of the Presiding Officer or these Council Rules. Council members shall at all times conduct themselves in a manner appropriate to the dignity of their office.

Councilors shall confine their remarks to the question under debate, shall avoid all indecorous language, and shall refrain from making any derogatory remarks, reflections as to integrity, or statements impugning the motives of any city official, permanent or contracted staff member, or citizen. Councilors shall conduct themselves in a courteous, orderly, and respectful manner.

The rules of decorum established for Council meetings in Section 3.7 shall also apply to, and govern the conduct of, meetings of all standing committees, commissions, and boards of the City of Wheeler, as well as any ad hoc or advisory committees that the Council may appoint.

- 3.8 Audience Decorum. Any person in the audience who makes personal, impertinent, slanderous remarks or who becomes boisterous while addressing the Council or attending a Council meeting or workshop may be removed from the room, after fair warning, if the Presiding Officer so directs. In case the Presiding Officer should fail to act, any Councilor may obtain the floor and move to require enforcement of this rule. Upon affirmative vote of the majority of the Councilors present, the person or persons shall be removed as if the Presiding Officer so directed.
- 3.9 Permission to Video Tape Meetings. Requests to video tape a meeting shall be made 24 hours in advance. The videotaping shall be from a fixed location.
- 3.10 Speaking by Council Members and City Manager.

- A. Councilors, the City Manager and staff shall be recognized by the Presiding Officer before speaking, unless bringing up a point of order. Upon recognition by the Presiding Officer the Council member or City Manager shall speak and confine his or her remarks to the matter at hand.
- B. A Council member desiring to question a city employee shall address the questions to the City Manager who shall be entitled to either answer the inquiry or designate a staff member to do so.

3.11 Speaking by Members of the Audience.

- A. Non-agenda Items. A member of the audience desiring to address the Council shall raise a hand and wait to be recognized by the Presiding Officer. After recognition the person's name and address shall be stated for the record. All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilor, staff member or other person unless authorized by the Presiding Officer. No person shall enter into discussion without being recognized by the Presiding Officer. A member of the audience addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer.
- B. Agenda Items. The members of the audience shall have the opportunity to address the Council on an agenda item when that item is reached in the meeting. A member of the audience desiring to address the Council shall raise a hand and wait to be recognized by the Presiding Officer. After recognition. The person's name and address shall be stated for the record and the remarks shall be limited to the question under discussion. All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilor, staff member or other person. No member of the audience shall comment or enter into discussion without being recognized by the Presiding Officer. A member of the audience addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer. No member of the audience shall be allowed to speak more than once upon any one subject until every other member of the audience choosing to speak has spoken. After a motion has been made and seconded no more public comment will be allowed.

3.12 Decisions. The Council shall not make a decision on any item that affects the public, or any individual member of the public, unless the item is on the posted agenda, except in the case of an emergency.

3.13 Voting Generally.

- A. The vote on every motion shall be taken by roll call. Members eligible to vote may explain their votes during roll call. Names of voters in favor and

against shall be entered in full upon the record. (Section 15 of 2002 Charter as amended). Any member of the Council may change his or her vote prior to the next order of business.

- B. An affirmative vote of the majority of the full Council eligible to vote shall be required to adopt ordinances, order appropriations, authorize loans, or fill vacancies on the Council (Section 18 of 2002 Charter as amended).
- C. An affirmative vote of the majority of the Council present eligible to vote shall be required to adopt the consent calendar, adopt resolutions, and pass any motion before the Council other than those referred to above. (Section 18 of 2002 Charter as amended)
- D. An affirmative vote of two-thirds of the Councilors present and eligible to vote shall be required in the event of an emergency to declare that a proposed action on a public improvement lobe needed at once. (Section 33. of 2002 Charter as amended)
- E. Any other question before the Council may be decided by general agreement unless a motion is requested by any member of the Councilors.

3.14 Duty to Vote. When a vote on a question is taken, every member of the Council eligible to vote shall vote unless a Councilor states a valid reason to abstain or has a direct conflict of interest. (ORS 244.120 - 244.130)

3.15 News Media. The provisions of this ordinance shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is net unreasonably disruptive of the meeting. Any member of the news media which would like to receive copies of agendas or minutes of Council meetings shall request such copies in writing. There may be a reasonable charge for such copies.

3.16 Standing Committees/Commissions/Boards.

- A. The Budget Committee, required by state law, shall be a standing committee. It shall be subject to Local Budget Law, ORS 294.311-294.565.
- B. The Planning Commission, required by state law, shall be a standing commission. It is subject to City Ordinance 76.1 and any other ordinances and resolutions which may amend it.
- C. The Parks and Recreation Committee shall be a standing committee. It is subject to Ordinance 2009-01 and any other ordinances and resolutions which may amend it.



- D. The Council may appoint and dissolve additional standing committees at its discretion.

3.17 Ad Hoc and Advisory Committees.

- A. The Council may establish ad hoc and/or advisory committees as needed. Each such committee shall be established by ordinance or resolution for a specific purpose. It shall have a deadline to accomplish its purpose and shall be considered dissolved when its purpose is accomplished. If such a committee needs additional time to complete its purpose it shall request additional time from the Council. A Councilor may serve as liaison and/or member to a committee, but may not chair or vote.
- B. At the first meeting of such a committee the members shall select a Chairman and a Secretary, and set a meeting schedule. Written minutes of meetings shall be delivered to City Hall within two weeks of each meeting or before the next meeting if scheduled for less than two weeks. It shall be the responsibility of each committee Secretary to see that notice is posted of each meeting at City Hall and the Post Office. The Secretary may ask City staff to do a posting.
- C. All meetings held by such committees are subject to the Oregon Public Meetings Law ORS 192.610- 192.990.

- 3.18 The Council may appoint and dissolve committees, commissions or boards as needed at their discretion except those established by law.

Section 4. Ethics. Councilors are advised to be familiar with the ethics law, ORS Chapter 244. Each Councilor shall be provided a copy of the current publication "A Guide for Public Officials" published by the Oregon Government Standards and Practices Commission.

Section 5. Severability. The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

Adopted by the Wheeler City Council this 15<sup>th</sup> day of October 2013 by the following vote:

**CITY COUNCIL  
WHEELER, OREGON**

**Aye**

**Nay**

**Absent/Abstain**

Loren Remy

X

      

  /  

Loren Remy, President

Dave Bell

      

      

X/

Dave Bell, Councilor

Karen Mathews

~~X~~ P

      

X/

Karen Mathews, Councilor

William H. Mullen

X

      

  /  

William H. Mullen, Councilor

Virgil L. Staben

X

      

~~X~~ P

Virgil L. Staben, Councilor

Stevie S. Burden

Attest: Stevie S. Burden, Mayor

11/8/14

Date Signed

Jennie Messmer  
City Manager/Recorder