



CITY OF ROCKAWAY BEACH COUNCIL MEETING RULES AND PROCEDURES

POLICY NUMBER: 100.1	EFFECTIVE DATE: August 11, 2023 REVIEWED: REVISED:
CATEGORY: Administration	RELATED DOCUMENTS: City Charter Code Chapter 33: City Council Ordinance 23-444 – amending Code Ch. 33 Resolution 23-995 – adopting this policy

Section 1. **AUTHORITY.**

- 1.1 The authority for adopting this policy is Chapter III, Section 9, Charter of the City of Rockaway Beach which states, "The Council must by resolution adopt rules to govern its meetings."
- 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 192.610-192.690).
- 2.2 **Regular Meetings.** The Council shall meet regularly, at least once each month, on the second Wednesday at 6:00 p.m. within the City of Rockaway Beach. The meeting calendar shall be set by the Council each December for the following year.
 - 2.2.A. **Mayor's Vote.** The Mayor has no vote unless the voting members of the Council are split evenly, or as otherwise provided in the City Charter.
 - 2.2.B. **Mayor's Functions:**
 1. Act as Chairperson of Council meetings and preside over deliberations of the Council.
 2. Preserve order.
 3. Enforce Council rules.

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4. Determine the order of business before the Council.
- 2.2.C. **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.
- 2.3 **Special Meetings.** The Mayor, or in the Mayor's absence the president of the Council, or the City Manager 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.
- 2.3.A. Special meetings shall be noticed in accordance with Oregon public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.
- 2.3.B. Written notice of a special meeting shall be given each member of the Council.
- 2.3.C. Written notice shall be posted at City Hall and the Post Office. Members of the media who have asked to be notified of meetings shall be notified in the usual manner.
- 2.3.D. The Council 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, or in the Mayor's and President's absence, a quorum of the City Council, or the City Manager 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, email, facsimile, or other electronic means.
- 2.5 **Public Hearings Generally.**
- 2.5.A. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
- 2.5.B. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.

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- 2.5.C. The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
- 2.5.D. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address. All remarks shall be addressed to the council as a body and not to any member thereof.
- 2.5.E. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
 - 1. Staff presentation (15 minutes total).
 - 2. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
 - 3. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
 - 4. Other interested persons (3 minutes per person).
 - 5. Questions of staff (No time limit).
 - 6. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).

2.6 General Conduct of Hearings.

- 2.6.A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- 2.6.B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the City Recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- 2.6.C. No person may speak more than once without obtaining permission from the Presiding Officer.
- 2.6.D. Upon being recognized by the Presiding Officer, any member of the Council, the City Manager, City Planner or the City Attorney may question any person who testifies.

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- 2.6.E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- 2.6.F. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

2.7 Quasi-Judicial Land Use Matters.

2.7.A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.

2.7.B. Conflicts of Interest.

1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:

a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter.

b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

2. Members of the Council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

a. The decision of the Council shall be based on the applicable standards and criteria as set forth in the City's municipal code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule

b. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

3. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:

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a. Land Use Hearing Disclosure Statement. The presiding officer shall read the land use hearing disclose statement, which shall include:

- 1) A list of the applicable criteria;
- 2) A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
- 3) A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
- 4) If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

b. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.

c. Call for abstentions. The presiding officer shall inquire whether any member of the Council must abstain from participating in the hearing due to a conflict of interest. Any member of the Council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

d. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.

e. Presentation of the Case

- 1) Proponent's case. Twenty minutes total.
- 2) Persons in favor. Five minutes per person.
- 3) Persons opposed. Five minutes per person.
- 4) Other interested persons. Five minutes per person.

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5) Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

f. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

g. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

h. Findings and Order. The Council may approve or reject the proposal.

1) The Council shall adopt findings to support its decision.

2) The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

i. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the Council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

2.8 Legislative Land Use Matters.

2.8.A Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:

1. Call for abstentions. Inquire whether any member of the Council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.

2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

3. Presentation of the Case.

a. Proponent's case. Twenty minutes total.

b. Persons in favor. Five minutes per person.

c. Persons opposed. Five minutes per person.

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d. Other interested persons. Five minutes per person.

4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.

5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

2.9 **Executive Sessions.** Executive sessions may be held during regular or special meetings, or as stand alone meetings, so long as appropriate statutory limitations are met. Written notice shall be posted at City Hall, the Post Office, the City’s website and sent out through the city’s listserv email listing. Members of the media who have asked to be notified of meetings shall be notified in the usual manner.

2.9.A. Only members of the Council, the City Manager and persons specifically invited by the City Manager or the Council shall be allowed to attend executive sessions.

2.9.B. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

2.10 **Continuation of a Meeting.** Upon majority vote of the Council any meeting may be continued to a later date or time, provided that no continuation or adjournment shall be for a period longer than the next regular scheduled meeting.

2.11 **Workshops.** Workshops are permitted to present information to the Council so that the Council is prepared for regular or special meetings. Workshops shall be held as needed to gather information and informally discuss specific issues or questions. The public may attend workshops. but may not participate unless expressly asked.

2.11.A All workshops are subject to Oregon’s public meetings law and must be noticed accordingly.

2.11.B. Workshops are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a workshop.

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2.11.C. Workshops are to be scheduled by the City Manager.

2.11.D. The City Manager is to invite any relevant staff to workshops so that the sessions are as productive as possible.

2.12 **Attendance by City Manager.** The City Manager shall attend all Council meetings unless excused by the Council or the Mayor. 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), which means three (3) members of the Council, one of which may not be the Mayor. 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 Robert's Rules of Order, Revised. The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose. Councilors should avoid invoking the finer points of parliamentary rules that serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens in general. The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Council.

3.3 **Agenda.** An agenda for each regular Council meeting shall be prepared by the City Manager. Council members may request that specific items be included on the agenda. The City Manager should be given enough time to do necessary research or prepare necessary reports to address the agenda items. Agendas for regular Council meetings shall be posted at City Hall and the Post Office at least 5 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.

3.4 **Consent Agenda.** 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

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concerning which no debate is expected on a "consent agenda." Any item placed on the consent agenda shall be removed at the request of a Councilor prior to the time a vote is taken on the consent agenda. All remaining items on the consent agenda shall be disposed of by a single motion "to adopt the consent agenda," which shall not be debatable. Adoption of the consent agenda 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 on the consent agenda 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 amended by the Council when adopting the consent calendar:

THE FOLLOWING SHOULD BE ALTERED AS NEEDED OR DESIRED

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Oaths of Office
- 5) Consent Agenda
- 6) Presentations, guests, and announcements
- 7) Public comment on non-agenda items
- 8) Public comment on agenda items other than public hearings (during discussion of each business item)
- 9) Staff Reports
- 10) Public hearings
- 11) Old Business
- 12) New Business
- 13) Committee reports
- 14) Mayor and Councilor comments
- 15) Attorney's comments
- 16) Adjournment

- 3.6 **Record of Proceedings.**

3.6.A A written record, commonly called minutes, shall be kept of all meetings except Executive Sessions and maintained by the city in accordance with the appropriate record retention schedule. Executive Sessions shall be recorded by audio only, except as required by law. The minutes shall contain the following information:

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- 1) The date, time and place of the meeting;
- 2) The members present;
- 3) The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- 4) The results of all votes and the vote of each member by name;
- 5) The substance of any discussion on any matter; and
- 6) A reference to any document discussed at the meeting.

The Council shall approve all minutes of any public meeting. All minutes shall be approved within ninety days of the meeting having occurred. The draft minutes shall be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed. Any member of the Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

3.6.B. A video or audio recording of meetings shall be posted online. Recordings will be posted online within 5 business days after the meeting, whenever feasible.

3.7 Written Communications to the Council.

3.7.A. Written comments concerning matters on the agenda received no later than 48 hours prior to the Council meeting will be distributed to the Council and posted online as Citizen Testimony. Comments shall not be individually itemized on the agenda. All written comments submitted at a meeting become part of the permanent public meeting record.

3.7.B. Unsolicited communications to the Mayor and/or Council concerning matters that are not on an agenda and are not submitted as testimony for a meeting shall be distributed to the mayor and/or Council but shall not be included in the agenda packet or online materials.

3.7.C. The City Manager may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.

3.8 Decorum.

3.8.A. The Presiding Officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the Council.

3.8.B. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey

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the orders of the Presiding Officer or these rules. . Council members shall at all times conduct themselves in a manner appropriate to the dignity of their office.

3.8.C. Members of the city staff and all other persons attending meetings shall observe the Council’s rules of proceedings and adhere to the same standards of decorum as members of Council.

3.8.D. Audience members who are causing an actual disruption can be removed from the public meeting. Persons who interrupt a meeting’s proceeding by repeatedly shouting out and yelling, including individuals located in a different room than an actual public meeting who are protesting so loudly that it interferes with the meeting, may be removed from the area, 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 Council present, the person or persons shall be removed as if the Presiding Officer so directed. If a person’s disruption of a meeting is such that it threatens the safety and security of the public, the Council can request that the person in question be arrested for disorderly conduct

3.9 Speaking by Council Members and City Manager.

3.9.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.

3.9.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. Council members may direct questions to employees as follow-up to their staff reports or Council meeting presentations.

3.10 Public Comment by Members of the Audience.

3.10.A. Two periods for public comment will be reserved for every regular meeting of the Council. Each period shall not exceed a maximum of 40 minutes, unless a majority of Councilors present vote to extend the time. The first period for public comment shall be allowed during scheduled business items placed on the agenda (other than public hearings), and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The Presiding Officer may, unless a member of Council objects, allow a person who desires to comment on an item not on the agenda to speak during the first comment period.

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- 3.10.B. Audience members shall be recognized by the Presiding Officer before speaking. Persons wishing to speak in person during public comment must sign the “speaker’s roster” with the person’s name and address and the topic upon which the person wishes to speak, not later than the call to order. This information shall be used to ensure the minutes of the meeting properly reflect those persons who provided public comment. Persons wishing to speak remotely during public comment will be requested to use the “raise hand” feature.
- 3.10.C. Members of the public may speak about any topic during the last period for public comment, except as provided in 3.10.E of this rule.
- 3.10.D. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the Council or city staff.
- 3.10.E. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
- 3.10.F. Speakers are limited to four minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker’s roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address. The Presiding Officer may allow additional persons to speak if they have not signed the speaker’s roster and sufficient time is left in the 40-minute period.
- 3.10.G. Should there be more speakers than can be heard for four minutes each during either of the 40-minute periods provided for public comment, the Presiding Officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
- 3.11 **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 where an emergency is declared.

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3.12 Voting Generally.

3.12.A. The vote on every motion shall be taken by roll call. Members shall not explain their votes during roll call. Names of voters in favor and against shall be entered in full upon the record. Any member of the Council may change his or her vote prior to the next order of business.

3.12.B. An affirmative vote of the majority of the full Council eligible to vote shall be required to adopt ordinances, order appropriations, authorize loans, fill vacancies on the Council, further reconsider a motion, or amend these Rules.

3.12.C. An affirmative vote of the majority of the Council present eligible to vote shall be required to adopt the consent agenda, adopt resolutions, and pass any motion before the Council other than those referred to above.

3.12.D. An affirmative vote of two-thirds of the Council present shall be required in the event of an emergency.

3.12.E. Any other question before the Council may be decided by general agreement unless a motion is requested by any member of the Council.

3.13 **Duty to Vote.** When 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.

3.14 **Reconsideration of Actions Taken.** A Councilor who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council eligible to vote.

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 not 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 charge for such copies.

3.16 **Standing Committees/Commissions/Boards.**

3.16.A. The Budget Committee, as required by state law, shall be a standing committee. It shall be subject to Local Budget Law, ORS 294.311-294.565.

3.16.B. The Planning Commission, required by state law, shall be a standing commission. It is subject to Code Section 31.01 and any other ordinances and resolutions which may amend it.

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3.16.C. There are no standing boards.

3.17 Ad Hoc and Advisory Committees.

3.17.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 to a committee, but may not chair or vote.

3.17.B. At the first meeting of such a committee the members shall select a Chairperson, select a Secretary, and set a meeting schedule. Written minutes of meetings should 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.

3.17.C. All meetings held by such committees are subject to the Oregon Public Meetings Law ORS 192.610-192.690.

3.18 Appointing and Dissolving Committees, Commissions or Boards. The Council may appoint and dissolve committees, commissions or boards as needed at their discretion.

Section 4. **FILLING CITY COUNCIL VACANCY.** A vacancy in the Council shall be filled by appointment by a majority of the Council. In this matter the Mayor is considered to have a vote (City Charter, Chapter VII, Section 31). In the event of a Council member vacancy, the Council will follow the recruitment and appointment process and vacancy procedure below:

4.1 **Recruitment Process.** Notice of the recruitment will be advertised through the use of a news release, the City website, City social media channels, and any other outreach the City deems helpful to reaching a broad and diverse spectrum of community members who might be interested in applying.

4.2 **Application Process.** Candidates will be invited to complete a standard application with questions developed by the City Council together with the City Manager. Questions will be developed either at a public meeting and/or through individual Councilor feedback to the City Manager. Applicants will include a cover letter and resume. Application materials are considered public records.

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- 4.3 **Interview Process.** (Which may take place over multiple meetings.) All applicants will be invited to be interviewed for the available position, unless more than three applications are received.
- 4.3.A. If more than three applications are received, the Council will discuss the desirability of screening the applications and narrowing the interview list to the top three candidates based on their written applications. If the Council opts to narrow the list, after discussion, each Council person shall complete a ballot ranking the candidates in order of their preference for first, second and third choice. Under-voting is not permitted. The top three candidates with the highest totals shall be selected for interviews.
- 4.3.B. Applications from those selected to interview will be published with the Council meeting packet for a regular or special public meeting. Candidates will be interviewed separately; those waiting for interviews will be asked to remain outside the room. All candidates will be asked the same interview questions; follow-up questions to clarify answers are permitted.
- 4.4 **Voting process.** After the conclusion of interviews, and any debate and discussion, the Council will vote using the process outlined below (which may take place over multiple meetings):
- 4.4.A. Each member of Council will complete a ballot ranking the candidates in order of their preference for first, second, and third choice. Under-voting is not permitted. The ballots are tabulated. If one candidate receives a majority of first choice votes, that candidate shall be considered the nominee. Ballots are considered public records.
- 4.4.B. If no candidate receives a majority of first choice votes a second ballot will be held. The top three vote-getters according to the preferences listed on the ballots advance to the second ballot; the candidate(s) who received the fewest first choice votes are eliminated. For the second ballot, each member of the Council will vote for their first and second choice candidate. If one candidate receives a majority of first choice votes on the second ballot, that candidate shall be considered the nominee.
- 4.4.C. If no candidate receives a majority of first choice votes in the second ballot round, the top two vote getters will advance to a third ballot. For the third ballot, each member of the Council will vote for their first choice candidate. If one candidate receives the majority of votes on the third ballot, that candidate shall be considered the nominee.
- 4.4.D. If there is a tie after three ballots, the Council can choose to do additional ballots at the same meeting or at another noticed public meeting.

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- 4.4.E. At the conclusion of balloting and determination of a nominee, if successful, the Council will then make a motion and hold a roll call vote to appoint the nominee to the vacant position. In this matter the Mayor is considered to have a vote.

Section 5. **FILLING BUDGET COMMITTEE AND PLANNING COMMISSION VACANCIES.**

- A. In the event of a Budget Committee or Planning Commission member vacancy, the Mayor shall nominate members for appointment by a majority of the Council, in accordance with the City Charter, Chapter III, Section 7.
- B. The Mayor may choose to follow the recruitment and application process in Section 4.1 and 4.2 of these rules. Before proceeding with recruitment, the Mayor may first consider reappointment of the incumbent.

Section 6. **ETHICS.** All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:

- A. Disclosing confidential information.
- B. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
- C. Expressing an opinion contrary to the official position of the council without so saying.
- D. Conducting themselves in a manner so as to bring discredit upon the government of the city.

Section 7. **STATEMENTS TO THE MEDIA AND OTHER ORGANIZATIONS.**

- A. **Representing City.** If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the City, as approved by a majority of the Council.
- B. **Personal Opinions.** If a member of the Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

Section 8. **SEVERABILITY.** The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.