

ORDINANCE NO. 1281

AN ORDINANCE AMENDING COUNCIL RULES ESTABLISHED BY ORDINANCE NO. 1269.

WHEREAS, on January 11, 2022, in accordance with Section 15 of the City of Junction City Charter, the City Council adopted Council Rules via Ordinance No. 1269; and

WHEREAS, the City now wishes to amend those rules to: 1) require Council members to attend executive sessions in person; 2) clarify the Council's response to public comment submitted on items not listed on the agenda; and 3) reflect the City Charter's requirement that Council Rules be prescribed by Ordinance; now, therefore

THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:

Section 1. Repealed and Replaced. Exhibit A (Council Rules) to Ordinance No. 1269 is hereby repealed and replaced in its entirety with the amended Exhibit A, attached hereto and incorporated by this reference.

Section 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance and the attached Council Rules are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Section 3. Effective Date. This Ordinance will go into full force and effect on the 30th day after City Council enactment.

Read in full for its first reading on the 9th day of May, 2023.

Read by title only, for its second reading this 9th day of May, 2023.

Passed by unanimous vote of the Council this 9th day of May, 2023.

Approved by the Mayor this 9th day of May, 2023.

ATTEST:

APPROVED:


Kitty Vodrup, City Recorder


Kenneth Wells, Mayor

Junction City Council Rules

1. Authority

- 1.1 The Charter of the City of Junction City (City Charter), Section 15, states that “[t]he council shall, by ordinance, prescribe rules to govern its meetings and proceedings.”
- 1.2 These rules shall be adopted and amended, added to, deleted or replaced by Council resolution.
- 1.3 These rules apply equally to the Mayor and Councilors (collectively referred to herein as “the Council”).
- 1.4 These rules are to be observed in addition to and may not be contradictory to the City Charter.

2. Council

- 2.1 The Council shall be composed of six (6) Councilors and a Mayor. The Mayor shall not vote except in the case of a tie vote of the Councilors present at the meeting.
- 2.2 Councilors have no authority when acting as individuals. Authority to make decisions and/or create policy for the City resides solely with the majority vote of the Council. Council decisions which are not unanimous are still the official policy of the City.

3. Meetings

3.1 Regular Meetings

- 3.1.1 Regular meetings of the City Council shall be held in the Council Chambers of City Hall at 6:30 p.m. on the second and/or fourth Tuesday of each month.
- 3.1.2 The time and date of regular Council meetings may be changed for special circumstances, to facilitate work sessions, or in order to have a quorum of Councilors at the meeting. Oregon public meeting notice requirements must be followed.

3.2 Work sessions

- 3.2.1 Council work sessions are typically held on the fourth Tuesday of each month at 6:30 p.m. in City Hall.

- 3.2.2 Workshops and trainings of the Council may be held at the convenience of the Council at other times when as many as possible can attend. These workshops and trainings may be held out of town so long as no decision-making or deliberation occurs.
- 3.3 Special Sessions Special meetings of the Council may be held upon the motion of the Mayor or at the request of three (3) members, upon not less than twenty-four (24) hours' notice to the public.
- 3.4 Executive sessions Executive sessions may be held by the Council pursuant to ORS 192.640, 192.650, 192.660, and 192.670. Council members must attend executive sessions in person, not electronically, virtually, or by telephone. Council may request certain staff members to attend. Normally, the City Administrator and City Recorder are required to attend unless excused by the Council.
- 3.5 Emergency Meetings Emergency meetings of the City Council may be held upon less than twenty-four (24) hours' notice to the public if an actual emergency exists. The minutes of any emergency meeting must describe the emergency justifying less than twenty-four (24) hours' notice to the public.
- 3.6 Quorum Either the Mayor and four (4) Councilors or, when the Mayor is absent, four (4) Councilors including the Council President constitute a quorum for its business, but a smaller number of the Council may meet at other times to compel the attendance of absent Councilors prior to declaring a vacancy in office due to three consecutive meeting absences without the Council's consent.
- 3.7 Attendance
- 3.7.1 Councilors should inform the Mayor, City Administrator, or City Recorder if unable to attend any Council meeting. The Mayor will inform the Council President if unable to attend any Council meeting.
- 3.7.2 The Mayor, without a majority vote of the Council, may excuse the attendance of a member of the Council at any meeting for illness, vacation, or other reasonable cause. Only a majority of the Council shall determine if an absence is unexcused. The absence of a member of the Council shall be recorded in the minutes as either excused or unexcused.
- 3.7.3 The office of a member of the Council becomes vacant upon declaration by the Council of the vacancy in the case of the incumbent's absence from three consecutive meetings of the Council without the Council's consent.

4. Agenda

- 4.1 The Agenda for each Council meeting shall be prepared as stated in the Council approved Agenda Process Guidelines, as currently adopted or later amended.
- 4.2 The normal order of business for a regular Council meeting shall be as follows, and shall also include the Agenda item lead, estimated time, and other information added in staff's discretion:
 1. Call to Order and Pledge of Allegiance
 2. Changes to the Agenda
 3. Approval of Minutes
 4. Public Comment on Items not Listed on the Agenda
 5. Proclamations [if any]
 6. Public Hearings and Associated Legislation [if any]
 7. Outside Agency Reports [if any]
 8. Council Action Items
 9. Council Agenda Forecaster
 10. Committee Reports
 11. Staff Reports
 12. Previous Month's Expenditures
 13. Councilor Comments/Questions
 14. Mayor's Comments
 15. Adjournment

Note – If required, an Executive Session can be placed on a City Council Agenda.

The following statement shall appear on each Agenda to clarify Item 4, Public Comment on Items not Listed on the Agenda:

Members of the public wishing to submit comments shall state their name and address for the record. The Council will not respond to commendations for, or complaints against, individuals. The Council will not engage in discussion with members of the public during this time, it is for public comment, only. The Council may reflect on public comment at the end of the meeting. Please limit comments to 3 minutes.

Although the normal order of business for a regular Council meeting follows the format as presented above, agenda items may be added, modified, or omitted by the City Administrator or Mayor when setting the Agenda, pursuant to the Council approved Agenda Process Guidelines, as currently adopted or later amended, in order to allow for a more efficient meeting and to allow the public to participate and be aware of the decision rendered without undue delay.

Regular meetings prior to regular Council Work Sessions may be added to address specific Council business items. Such meetings will not follow the above

agenda, but instead will convene with the pledge of allegiance, address the specific regular session item(s), then adjourn and reconvene in the Council Work Session.

- 4.3 All efforts shall be made to address all Agenda items in a timely and efficient manner based on the relative priority of each item. While meetings are not subject to a time limit, Agendas shall be set to reflect approximately a two-hour meeting, and shall include Agenda items outstanding from the previous Council meeting.
- 4.4 The Chair may consider Agenda items out of order as deemed necessary to facilitate the efficient management of the Agenda.

5. Procedure for Council Meetings

- 5.1 The current edition of *Mastering Council Meetings*, by McFarlane and Estep, shall be used a general guide for conducting all Council meetings. The City Council agrees to be clear and simple in its procedures and considerations of decisions before it. The Council shall avoid invoking the finer points of parliamentary rules to obscure issues and arouse audience suspicion at public meetings.
- 5.2 Council meetings shall be chaired by the Mayor, if present. If the Mayor is not present, the President of the Council shall serve as Chair. If neither the Mayor, nor the President of the Council is present, the City Administrator shall call the meeting to order and those Council members present shall elect a Chair *pro tem* for that meeting. At any meeting, the Chair may appoint another member of the Council to serve as Chair for part or all of the meeting.
- 5.3 Every Councilor desiring to speak should first address the Chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council, without permission of the Chair.
- 5.4 No motion shall be debated, except by the maker, until it has been seconded and announced by the Presiding Officer.
- 5.5 Members of the public desiring to address the Mayor and Council shall first be recognized by the Chair and then state their name and address for the record. Each person shall have up to five (5) minutes to present their comments. Groups with like comments should choose a Spokesperson who will present their joint remarks.
- 5.6 Councilors should refer people with questions or complaints to the City Administrator. If they are not satisfied with the results of that communication,

they should submit an Agenda item request for a future Council meeting or present their issue during the public forum at a future regular Council meeting.

- 5.7 The Council may revisit public comment received during the public open-comment period at the end of that meeting, as a part of Councilor Comments/Questions or Mayor's Comments, as appropriate. If necessary, public comments may be referred to the City Administrator for response at a subsequent time.
- 5.8 Remarks by members of the public shall be limited to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole, and not to any individual Councilor. A member of the public wishing to address an item not otherwise listed on the Agenda may do so only during public forum. Any remarks and questions regarding personnel or administration of the City shall be referred to the City Administrator by the Chair. The Chair may redirect other questions to a City Councilor or the City Administrator, as appropriate.
- 5.9 Councilors may address questions to the City Administrator, who may either answer the inquiry or designate a staff member to do so. Councilors are encouraged to present their questions to the City Administrator prior to the meeting when possible.
- 5.10 Prior to a vote, the Chair shall restate the motion or have the maker of the motion restate it to assure clarity of the issue.
- 5.11 Except as the City Charter otherwise provides (e.g., City Charter Sections 12, 24, 27 and 34), when a quorum is present, a majority of the Council present shall decide a motion. A Councilor must be present to vote.
- 5.12 Unless confronted with an actual conflict of interest, every member present when a question is taken shall vote.
- 5.13 The vote of every motion shall be taken by a show of hands or roll call, and entered into the meeting minutes. A member's explanation of their vote shall not be in order during a roll call.
- 5.14 The Mayor shall not vote except in the case of a tie vote of the Councilors present at the meeting.
- 5.15 A Councilor who votes on the prevailing side of a motion may move for reconsideration of any vote. This motion must occur during the meeting or at the very next scheduled Council meeting.

6. Conflicts of Interest

In every case in which the Mayor or a Councilor is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the nature of the conflict, shall remove himself or herself from the Council table and refrain from participation in both the discussion and the vote on the issue.

- 6.1 An actual conflict of interest means any Council member action, decision, or recommendation that would grant a private pecuniary benefit or avoid a private pecuniary detriment to that member, that member's relatives, or any business with which that Council member or that member's relative is associated. ORS 244.020(1).
- 6.2 A potential conflict of interest means any Council member action, decision, or recommendation that could grant a private pecuniary benefit or avoid a private pecuniary detriment to that Council member, that member's relatives, or any business with which that Council member or that member's relative is associated. ORS 244.020(13).

7. Decorum and Order

- 7.1 The Chair shall preserve decorum and decide all points of Order, subject to appeal to the Council.
- 7.2 Councilors shall help the Chair preserve decorum during Council meetings by appearing on time and prepared, and by maintaining focus and attention throughout meetings.
- 7.3 Council members shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the directions of the Chair or these Council Rules.
- 7.4 Council members shall, when addressing staff or members of the public, confine themselves to questions or issues under discussion.
- 7.5 Council members shall not engage in personal attack nor impugn the motives of any speaker, and shall, at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- 7.6 Members of the administrative staff, employees of the City, and other persons attending Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.
- 7.7 Any person who engages in disorderly behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of any City Council meeting shall, upon an

order by the Chair or a majority of the City Council, be barred from further audience before the City Council during that meeting. Whenever practicable, the Chair or a majority of the City Council shall give a warning to the person who is being disorderly. A warning is not necessary when it would not be effective under the circumstances or when the conduct of the person constitutes an immediate threat to public safety.

- 7.8 If a meeting is disrupted by members of the audience, the Chair may order that the Council Chamber be cleared and call a recess until order is restored.

8. Censure

- 8.1 The Council has the inherent right to make and enforce its own rules and to ensure the compliance with those laws generally applicable to public bodies. Should any Council member act in any manner constituting a substantial violation of these rules or other general laws, the Council, by majority vote, may discipline that Council member to the extent provided by law, including public reprimand.
- 8.2 To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council, either in open meeting or in executive session, to discuss any finding expressing that reasonable grounds exist that a substantial violation has occurred.

9. Code of Ethics

- 9.1 Council members shall comply with all applicable provisions of the State of Oregon's Government Ethics Laws, as established in ORS Chapter 244 and incorporated herein by reference.
- 9.2 Council members are encouraged to conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Council members should constantly bear in mind these responsibilities to the entire electorate and refrain from actions benefitting any individual, or special interest group, at the expense of the City as a whole. Council members should likewise do everything in their power to ensure impartial application of the law to all citizens and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station, religion, marital status, familial status, domestic partnership status, sexual orientation, source of income, and disability status.
- 9.3 If the Mayor or Councilor represents the City before another public body, governmental agency, community organization, or with the media, the Mayor or Councilor should always present the majority position of the Council. Personal opinions and comments may be expressed only if it includes the clarification that these statements do not represent the position of the City Council.

Communications of personal opinions or comments should not be accompanied with a statement of the author's status as a member of the Council.

- 9.4 If the Mayor or Councilor wishes to use personal social media accounts to present information that is representative of the City, they must always present the majority position of the Council. Personal social media includes blogs, Twitter, Facebook and all forms of electronic communications media.
- 9.5 If the Mayor or Councilor wishes to use personal social media accounts as a communication tool for their personal opinions and comments, they must include clarification that the statements do not represent the position of the City Council. Personal social media includes personal blogs, Twitter, Facebook and all forms of electronic communications media.
- 9.6 The Mayor and Councilors are not authorized to post to City social media accounts. City social media includes City blogs, Twitter, Facebook and all forms of electronic communications media.

10. Council Relations with City Staff

- 10.1 There will be, at all times, mutual respect from both Council members and staff of their respective roles and responsibilities. This is especially true when expressing criticism in a public meeting.
- 10.2 The Council sets City policies and goals. The staff implements and administers the policies and goals.
- 10.3 During a City Council meeting, all requests for information go directly to the Chair or the City Administrator. At other times, if the request for information would entail an effort that would require time to be spent researching and/or preparing a response, the request goes directly to the City Administrator. The City Administrator will direct the request to staff, the City Attorney, or respond to the request themselves. Questions or complaints regarding staff go directly to the City Administrator. Questions or complaints regarding the City Administrator go to the Mayor.
- 10.4 Council members seeking information about the operation of various City departments will direct their questions to the City Administrator. Council members must not direct staff to perform any work, or attempt to change or interfere with the City's chain of command or any operation or practice of any City department or personnel.

11. Confidentiality

- 11.1 Council members must keep in complete confidence all written materials and verbal information provided to them in confidence or learned in executive session,

to ensure that the City's position is not compromised. No mention of confidential information read or heard should be made to anyone other than other Council members, the City Administrator, or the City Attorney.

- 11.2 If the Council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending, or likely claim or litigation, and/or employee negotiations, all contact with the other parties shall be made by the designated staff representative handling the negotiations or litigation. A Council member shall not have any contact or discussion with the other party or its representative involved with the issue, nor communicate any discussion conducted in executive session.
- 11.3 All public statements, information, or press releases on confidential matters will be handled by the designated spokesperson or the City Attorney.

12. Amendment of Council Rules

Amendments, deletions, or additions to these Council Rules shall be by ordinance.

13. Severability

The Council agrees that if any term or provision of the rules is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the rules did not contain the particular term or provision held to be invalid.