

City of Cove  
Rules of Procedure for Council Meetings  
2022

# Rules of Procedure for Council Meetings

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## CHAPTER 1 – General Governance

### I. Rules of Procedure

A. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, and any subcommittee of a city council, shall be guided by procedures for small boards as outlined in Robert’s Rules of order, Current Edition.

B. Members of the council are encouraged to avoid invoking the finer points of parliamentary procedure found with Robert’s Rules of Order when such points will obscure the issues before the council and confuse members of the public.

C. Whenever these rules and Robert’s Rules of Order conflict, these rules shall govern.

### II. Quorum

A. A quorum is required to conduct official city business. The members of the council are the city councilors and mayor. Fifty percent plus one of the members of the council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.

B. In the event a quorum is not present, the members of council present shall adjourn the meeting.

C. Members of the Council can attend meetings via technology that is acceptable at the time.

### III. Presiding Officer

A. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.

B. In the mayor’s absence, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.

C. If both the mayor and the president of the council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:

1) The city recorder shall call the council to order and call the roll of the members.

2) Those members of council present shall elect, by a majority vote, a temporary presiding officer for the meeting.

- 3) Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
- 4) The presiding officer shall retain all rights and privileges of a member of council when acting in the capacity.

#### IV. Temporary Halt to Meeting

A. The Mayor, or any council member, may call a 3-minute temporary halt to a meeting that has gone off-subject, or become out of order. During the 3-minute halt there is no further discussion; the time is intended for regrouping and resorting meeting decorum. The President of the council may resume the meeting by the Mayor's request.

#### V. Other Elected and Appointed Officers

A. City Recorder. The City Recorder shall be the parliamentarian and shall advise the presiding officer of any questions of order. Additionally, the City Recorder shall keep the official minutes of the council.

#### VI. Agendas

A. The City Recorder and Mayor shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

B. Agendas and informational material for meetings shall be distributed to the council at least seven (7) calendar days preceding the meeting unless an emergency meeting is declared and then information shall be disseminated as soon as practical. Last minute items may be added to the agenda at the meeting.

C. The Agenda shall follow the Order of Business (VII.)

D. No council approval shall be required for the agenda of any meeting.

E. The City Recorder and Mayor may place routine items and items referred by staff on the agenda without council approval or action.

F. A member of the council who wishes to have an item placed on the agenda shall advise the City Recorder at least one week prior to the meeting. If the notice is missed, the member of council may ask council at the meeting to vote on whether to add an item to the agenda.

#### VII. Order of Business

A. The order of business for all regular meetings shall be as follows:

- 1) Call to order.
- 2) Pledge of Allegiance.

- 3) Roll Call.
- 4) Additions/Changes to the Agenda.
- 5) Public Comment for Agenda Items.
- 6) Consent Agenda.
- 7) Correspondence.
- 8) Unfinished Business.
- 9) New Business.
- 10) Presenters/Announcements
- 11) City Council Working Committee Report.
- 12) City Recorder Report.
- 13) Public Works Report.
- 14) Mayor's Report
- 15) Public Comment for Items not on the Agenda.
- 16) Suggestions for Future Workshops & Meeting Agendas.
- 17) Upcoming Meetings.
- 18) Adjournment.

B. Call to order. The presiding chair shall call all meetings of the council to order. The call to order shall note the date, time, and location of the meeting so that it may accurately be reflected in the minutes.

C. Pledge of Allegiance. The presiding chair shall ask all stand and lead in the saying of the Pledge of Allegiance.

D. Roll Call. The City Recorder shall conduct a roll call to determine which members of the council are present and which are absent.

- 1) 1. The attendance shall be properly reflected in the minutes.
- 2) 2. If roll call determines that a quorum is not present, the meeting shall be adjourned.

E. Public Attendance. Any member of the public attending the meeting will be encouraged to sign in and shall be documented in the minutes.

Public Comments on Agenda Items. Community members may address issues observed on the agenda and may ask Council for additions for consideration to be added to the current agenda.

F. Correspondence. The chair shall share any letters or communication to the City of Cove, employees, or citizens.

G. Unfinished Business. The chair should recognize the discussion of unfinished business on the agenda.

H. New Business. The Chair shall recognize the discussion of all new business before the council on the agenda.

I. Consent Agenda. In order to expedite the council's business, the approval of the minutes and other routine agenda items shall be placed on the consent agenda.

- 1) All items on the consent agenda shall be approved by a single motion unless an item is removed for further consideration.
- 2) Any item on the consent agenda may be removed for separate consideration by any member of the council.
- 3) Upon approval of the consent agenda, items separated out of the consent agenda may be discussed and voted.
- 4) For the purpose of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of council must declare a conflict of interest.

J. City Council Working Committees Report. This is the time for council to discuss their work on various committee and share with the rest of council and public.

- 1) Committees may submit a written report.
- 2) If an oral report is given, please limit the time spent on the report to 5 minutes.
- 3) Councilors may ask questions after the report is given.

K. City Recorder Report. This will be an oral or written report highlighting the monthly work of city business. Questions can be asked by council on projects or upcoming projects identified in the report. This report is informational and requires no vote on acceptance.

L. Public Works Director Report. This will be oral or written report highlighting the monthly work of the public works department. Questions can be asked by council on projects or upcoming projects identified in the report. This report is informational and requires no vote on acceptance.

M. Mayor's Report. This will be an oral or written report highlighting the monthly work of the Mayor's city business. Questions can be asked by council on projects or upcoming projects identified in the report. This report is informational and requires no vote on acceptance.

N. Public Comment for Items Not on the Agenda. This is the place allowed for the public to comment on anything they wish to have addressed by council or discuss their feelings towards any matter before the council which is not already scheduled for discussion on the meeting agenda.

1) Persons wishing to speak during public comment must sign the Speakers Roster and will be asked to adhere to 3 minutes per person.

2) Persons wishing to speak during public comment will be asked to stand, identify themselves by name, address, and the topic upon which they wish to speak.

3) 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.

4) 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 matter which has been or is scheduled to be heard by a hearing 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.

5) Speakers may play electronic audio or visual material during the time permitted for their comment.

6) The rules surrounding public comment may be suspended by a motion of any council member and a majority vote of the council at any time.

O. Suggestions for Future Workshops and Meetings. This is an area for council to ask for certain items for discussion for upcoming meetings.

P. Upcoming Meetings. This area is to let all know when the workshops and next council meeting will take place. Any additional meetings will be announced here as well, if known.

Q. Adjournment. Chair will adjourn the meeting when all business on the agenda has been presented and addressed.

#### VIII. Public Hearings Generally

- 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.
- B. Persons wishing to speak shall sign the “hearing roster” with names and address prior to the commencement of the public hearing.
- C. The City Recorder 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.
- D. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and give their address. All remarks shall be addressed to the council as a body and not to any member thereof.
- 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 of 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).
- F. Council may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
- G. Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city council should be to provide clarification or additional information on testimony provided.

H. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternate those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of council, may further limit the time and/or number of speakers at any public hearing, provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal of those in opposition to rise and direct the City Recorder to note the numbers in the minutes.

I. At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.

J. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to City Recorder at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex-parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.

K. Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number or the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to state law and the city's public records policies.

IX. Conduct of Hearings on Land Use Matters – (See Chapter 4)

X. Written Communication to Council

A. The City Recorder 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.

CHAPTER 2 – Meeting Time, Location and Frequency

XI. Regular meetings

A. The council shall meet every 1<sup>st</sup> Tuesday of the month, except for designated holidays.

B. Meetings shall begin at 7:00 p.m.

C. Meetings shall adjourn at 8:30 p.m., allowing 30-minute increment extensions upon a majority vote of the council.

D. Otherwise, meetings shall adjourn earlier if the items on the agenda have been addressed.

XII. Special meetings

A. Special meetings may be called by the presiding officer, by request of three members of the council, or the City Recorder.

B. Notice of the special meeting shall be given to each member of the council, local newspaper, public postings around the City of Cove, and advise the radio stations of record for notice of special meetings.

C. Notice of special meetings shall be given to all members of the council via telephone and e-mail.

D. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.

XIII. Emergency meetings

A. Emergency meetings may be called by the presiding officer, by the request of three members of council, or the City Recorder.

B. Notice of an emergency meeting shall be given to each member of the council, local newspaper, public postings around the City of Cove, and advise the radio stations of record for notice of special meetings.

C. Notice of the emergency meeting shall be given to all members of council via telephone and e-mail.

- D. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
- E. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.
- F. Definition of an "Emergency" means a human created or natural event or circumstance that causes or threatens widespread:
  - 1) Loss of life.
  - 2) Injury to person or property.
  - 3) Human suffering; or
  - 4) Financial Loss

#### XIV. Executive Sessions

- A. Executive sessions may be called by presiding officer, by the request of three members of council, or the City Recorder.
- B. Only members of the council, City Recorder and persons specifically invited by the City Recorder or the Council shall be allowed to attend executive sessions.
- C. Representatives of recognized news media as per Public Meeting Law 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 new media is a party to the litigation.

#### XV. Work Sessions

- A. Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings.
- B. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
- C. Work sessions are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session.
- D. Work sessions are to be scheduled by the request of three members of council or the City Recorder.
- E. The City Recorder is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

F. While the public is permitted to attend work sessions, they are not permitted to ask questions of the council, the Recorder, or any presenter. Public comment is also not permitted during a work session.

XVI. Holidays

A. In the event a regular meeting falls on a holiday recognized by the city; the regular meeting shall be moved to the next week following the holiday.

XVII. Location

A. Council meetings shall generally be held at city hall.

B. In the event city hall is not available for a meeting, the council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.

C. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.

D. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

E. No council meeting shall be held at any place where discrimination based on an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.

F. If, for public health or safety reasons, in-person meetings are not advisable or permissible, the Council may meet via any available electronic medium (including, but not limited to: telephone and web platforms) that allows for all council members and staff to communicate with each other simultaneously and provides an opportunity for the public to at least listen to the meeting.

XVIII. Notice

A. The City Recorder shall provide notice of all meetings in accordance with Oregon's public meeting law.

XIX. Attendance

A. Members of the council shall advise the City Recorder if they will be unable to attend any meetings. Pursuant to the charter, the Council by vote of the majority of the Council may declare a position vacant if a council member is absent from the city for more than 30 days without council permission or absent from all meetings of the council within a 60-day period.

## CHAPTER 3 – Ordinances and Resolutions

### I. Ordinances

- A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein.
- B. Numbering.
  - 1) The city recorder shall number all ordinances with a consecutive identification number, in the order of their introduction.
- C. Preparation and Introduction.
  - 1) Ordinance shall be introduced by a member of the council.
  - 2) No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
- D. Calendar of Ordinance.
  - 1) An ordinance is introduced for consideration by the council for presentation for first reading. After introduction, the council may direct that:
    - (a) A public hearing on the ordinance be held;
    - (b) Refer the ordinance to committee for review and recommendation;
    - (c) Refer the ordinance to legal counsel for further review;
    - (d) Pass the ordinance to a second reading; or
    - (e) Reject the ordinance in whole or in part.
  - 2) All ordinances when introduced for first reading shall be identified by title and numbers on a calendar of first reading and may be passed to a second reading.
  - 3) Should any member of the council object to any ordinance at time of second reading, the city recorder shall call the roll and enter the ayes, nays, and abstentions in the record.
  - 4) All proposed amendments to an ordinance shall be in writing and may be made by interlineation upon the ordinance.

- 5) No second reading of any ordinance shall occur at the meeting where it is introduced, and no ordinance shall be passed at a single meeting.
- 6) An affirmative vote of the majority of membership present of the council shall be necessary to pass an ordinance.
- 7) When an ordinance is rejected by the council, it shall not be considered by the council for a period of not less than six months if any ordinance presented contains substantially the same provisions.

## II. Resolutions

- A. All resolutions considered by and voted upon by the council shall adhere to the rules outlined herein.
- B. Numbering.
  - 1) The city recorder shall number all resolutions with a consecutive identification number, in the order of their introduction.
- C. Preparation and Introduction.
  - 1) Resolutions shall be introduced by a member of the council or City Recorder, with a member of the council moving further action on such resolution upon completion of the introduction.
- D. Calendar of Resolution.
  - 1) A resolution is introduced for consideration by the council for presentation for reading. After introduction, the council may direct that:
    - (a) A public hearing on the resolution be held;
    - (b) Pass the resolution; or
    - (c) Reject the resolution in whole or in part.
  - 2) All resolutions when introduced for reading shall be identified by title and numbers.
  - 3) Should any member of the council object to any resolution that resolution, the city recorder shall call the roll and enter the ayes, nays, and abstentions in the record.
  - 4) All proposed amendments to a resolution shall be in writing and may be made by interlineation upon the resolution.
  - 5) An affirmative vote of the majority of membership present of the council shall be necessary to pass a resolution.

6) When a resolution is rejected by the council, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered by the council for a period of not less than three months, unless at least three members of the council petition for early consideration.

III. Effective date

A. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

B. The following shall take effect immediately upon its passage:

- 1) Ordinances making appropriations and the annual tax levy;
- 2) Ordinances relative to local improvements and assessments; and
- 3) Emergency ordinances.

C. All other ordinances shall provide an effective date after passage, however the date shall be no less the 15 days, unless deemed an emergency.

D. The filing of a referendum petition shall suspend the effective date of an ordinance.

## CHAPTER 4 – Land Use Hearings

### I. General Conduct of Hearing

- 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.
- 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.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the City Recorder, planning director or the Legal Counsel may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- 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.

### II. Quasi-Judicial Land Use Matters

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceeding shall be new (de novo) and shall be held on the record.
- B. Conflict 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.
    - (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 regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.

C. Burden of Proof.

1) 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.

2) The decision of the council shall be based on the applicable standards and criteria 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.

3) 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.

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

1) Land Use Hearing Disclosure Statement. The city recorder shall read the land use hearing discloser statement, which shall include:

(a) A list of the applicable criteria.

(b) A statement that testimony, arguments and evidence must be directed towards the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decisions.

(c) 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

(d) 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.

2) 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.

- 3) 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 proceedings.
- 4) Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
- 5) 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.
  - (d) Other interested persons. Five minutes per person.
  - (e) 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.
- 6) 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.
- 7) Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
- 8) Findings and Order. The council may approve or reject the proposal.
  - (a) The council shall adopt findings to support its decision.
  - (b) The council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.
- 9) 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 any time limitations imposed by the Oregon Revised Statutes.

### III. Legislative Land Use Matters

- A. Hearing 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 proceeding.
- 2) Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
- 3) Presentation of the Cases.
  - (a) Proponent's case. Twenty minutes total.
  - (b) Persons in favor. Five minutes per person.
  - (c) Persons opposed. Five minutes per person.
  - (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 are required for the original hearing.

## CHAPTER 5 – Motions, Debate, Public Comment and Voting

### I. Motions

- A. All motions shall be distinctly worded.
- B. The following rules shall apply to motions;
  - 1) If a motion does not receive a second, it dies.
  - 2) The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussions or expression of opinions before a motion is made.
  - 3) A motion to amend can be made to a motion that is on the floor and has been seconded.
  - 4) No motion shall be received when a question is under debate except for the following:
    - (a) To lay the matter on the table;
    - (b) To call for the previous questions;
    - (c) To postpone;
    - (d) To refer; or
    - (e) To amend.
  - 5) A motion may be withdrawn by the mover at any time without the consent of the council.
  - 6) Amendments are voted on first, then the main motion if voted on as amended.
  - 7) A call for the question is intended to close the debate on the main motion; it does not require a second and is not debatable.
    - (a) A call for the questions fails without a majority vote if the question is contested.
    - (b) If a call for the question is acknowledged by the presiding officer and not contested by any member of the council, then the question is granted without a vote.
    - (c) Debate on the main subject resumes if the motion fails.
  - 8) The presiding officer shall repeat the motion prior to a vote.
  - 9) The Mayor shall vote in the event that deliberations result in a tie vote.

10) A motion to adjourn cannot be amended.

C. Motion to Reconsider.

1) A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

2) No motion shall be made more than once.

3) The motion shall be made before the final adjournment of the meeting.

II. Debate

A. The following rules shall govern the debate of any item being discussed by the council:

1) Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, always acting and speaking in a respectful manner.

2) A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

III. Public Comment

A. The public shall be entitled to comment on all matters before the council that require a vote.

B. Public comment shall occur after the matter up for vote has been presented by city staff and before the council takes any formal action on the matter.

C. Each member of the public is entitled to comment on the matter before the council for three minutes.

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.

E. Each person desiring to give public comments shall provide the council with his or her name and address prior to giving comment. This information shall be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.

F. The council, by a majority vote, can suspend the rules related to public comment.

#### IV. Voting

A. The following rules shall apply to voting on matters before the council, unless amended in the manner of these Rules.

- 1) Reports. A majority of a quorum shall be required to approve or accept a report. However, no vote is required if the report is only for informational purposes.
- 2) Consent Agenda. The unanimous vote of all members of the council present is required to approve the matters on a consent agenda.
- 3) Resolutions. A majority of quorum shall be required to pass a resolution.
- 4) An Ordinance Involving a Fee or Fine. An Ordinance involving a fee or fine shall require a majority of the full council to pass. Vacant seats are not included in identifying what constitutes a full council.
- 5) An Ordinance Not Involving a Fee. An ordinance which does not involve a fee or a fine shall require a majority of a quorum to pass.
- 6) Emergency Ordinance. An emergency ordinance shall require the unanimous vote of all members present.
- 7) Budget. The budget shall require a majority of a quorum to pass.
- 8) Franchise. A majority of a quorum shall be required to pass an ordinance granting a franchise.
- 9) Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.
- 10) All votes shall be recorded in the minutes.

## CHAPTER 6 – Minutes

### I. Generally

A. All minutes shall be in written form, with an electronic copy of the meeting maintained by the city recorder in accordance with the appropriate record retention schedule.

B. The minutes shall contain the following information:

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

### II. Approval

A. The council shall approve all minutes of any meeting.

B. All council meeting and workshop minutes shall be approved within ninety days of the meeting having occurred.

C. 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.

D. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## CHAPTER 7 – Appointments

- I. Appointments of City Staff
  - A. The Mayor appoints and can remove those positions identified in the city's charter. All appointments require confirmation by a majority vote of the entire council.
  - B. Reviews. Public Works Director and Recorder appointed by the Mayor and confirmed by Council shall be subject to an annual review by the council of no less than 2 members.
  - C. Removals. All appointed persons may be removed by a 2/3 majority vote of the entire council.
  - D. Other City Employees shall be reviewed by their direct supervisor.
- II. Appointments of members of Boards, Commissions and/or Committees.
  - A. Unless otherwise mandated by state law, the Mayor shall appoint the members of any board, commission, or committees with the consent of the entire council.
  - B. Removals. All appointed persons may be removed by a 2/3 majority vote of the entire council.

## CHAPTER 8 – Ethics, Decorum, Outside Statements

### I. Ethics

A. 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 council shall refrain from:

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

### II. Decorum

A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council.

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 the orders of the presiding officer or these rules.

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.

### III. 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.

## CHAPTER 9 – Interactions with Staff & City Council

### I. Staff

A. All members of the council, including the Mayor, shall respect the separation between the council’s role and the City Recorder’s responsibility by:

- 1) Not interfering with the day-to-day administration of city business, which is the responsibility of the City Recorder.
- 2) Refraining from actions that would undermine the authority of the City Recorder or City staff.
- 3) Limiting individual inquires and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Recorder.

(a) Questions from individual members of the council and Mayor requiring significant time or resources (1 hour or more per week) shall require approval of the council.

(b) Members of the council shall share any information obtained from staff with the entire council. This section is not intended to apply to questions by members of the council acting in their individual capacities rather than as members of the council, nor to questions regarding conflict of interest or similar issues particular to a member of the council.

## CHAPTER 10 – Censure [and Removal]

### I. Generally

A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies. If a member of council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a public reprimand.

B. The council may investigate the actions of any member of council and meet in executive session under state law to discuss any findings that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under state law.

## CHAPTER 11 – Amendment and Repeal

### I. Amendment

- A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
- B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- C. All amendments to these rules require a majority vote of full council.
- D. Amended rules shall not go into effect until the meeting after the rule was approved.

### II. Repeal

- A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
- B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
- C. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- D. Any repeal and replacement of these rules requires a majority vote of full council.
- E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.

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Mayor Sherry Haeger

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Recorder Sherry Riley