

RESOLUTION NO. 561

A RESOLUTION REPEALING RESOLUTION NO. 537, REVOKING THE CURRENT CITY COUNCIL PROCEDURES MANUAL, AND ADOPTING A REVISED CITY COUNCIL PROCEDURES MANUAL.


WHEREAS, Resolution No. 537 is a resolution adopting City Council Procedures; and

WHEREAS, the current City Council Procedures are much too difficult to execute due to limited staff; now therefore,

BE IT RESOLVED, the Aurora City Council hereby repeals Resolution No. 537, and revokes said City Council Procedures manual in its entirety.

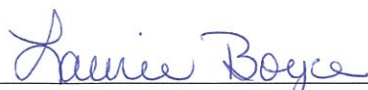
BE IT FURTHER RESOLVED, The revised City Council Procedures Manual, attached hereto and incorporated herein by reference is hereby approved and enacted, effective November 11, 2008.

ADOPTED by the Aurora City Council at the regularly scheduled meeting on Tuesday, Nov. 11, 2008.



Charles Donald– Mayor

ATTEST:



Laurie Boyce - City Recorder



CITY OF AURORA

COUNCIL PROCEDURES

RULES OF THE ROAD
Guidelines for Decision Making

1. Ensure that the thoughts of each person are sought out. Seek diversity of ideas.
2. Focus on issues and not personalities.
3. Protect others in their absence.
4. Encourage open decision making.
5. Whenever possible, staff should present new proposals at the committee level, and complex issues should be fleshed out at the committee level or at City Council work session first.
6. Be willing to table issues.
7. The City Council should demonstrate courtesy and respect for presenters. When necessary, the Mayor should exercise his or her authority to call everyone's attention to the speaker.
8. City Council direction to staff must be by majority vote rather than by individual councilors.
9. Once a decision is made, everyone should move on, try to bury disagreements, and expect the staff to implement the decision.

Above all, work diligently to break down barriers, improve communication, and build trust, respect, and cooperation.

GUIDELINES FOR EFFECTIVE CITY COUNCIL RELATIONS

1. Seek to understand one another's perspective.
2. Honor one another in public and protect each other in their absence.
3. Focus on issues, not on personalities.
4. Seek honesty and integrity in all deliberations and interactions.

MISSION STATEMENT

CITY OF AURORA'S MISSION STATEMENT AND GOALS

The City of Aurora's mission is to maintain a safe and livable environment for its citizens and provide for the efficient delivery of public services.

Goals will be achieved thru open communication, between the city and the citizens with citizen participation and community pride.

1. Foster a strong sense of community pride in the operation of the city, the actions of its elected officials, appointed officials and employees, and projects that are undertaken by the city.
2. To keep citizens informed as to what the city is doing and why.
3. To value the recruiting, training and continuing development of well-informed, friendly, and competent volunteers and employees at every level of city government.
4. To be respectful of and listen to the views of everyone in the community and to recognize that every citizen has an equal right to services and access to the decision making process.
5. To always keep the best interest of the city in mind (not a few citizens) whenever any decision is made, policy is developed, or program is implemented.
6. To be consistent and fair in the development and implementation of public policy.
7. To be frugal in the use of public resources and funds.

OBJECTIVE

This is best achieved in a community where citizen participation, open communication, a strong sense of community, community pride, and the selection, training and retention of high quality employees is valued, and encouraged by the city's residents, elected officials, and appointed officials.

INTRODUCTION

Essential skills for proper job performance of the City Councilors are a thorough knowledge of: 1) the community, its people, and its problems, 2) the various roles of individual City Councilors, and 3) the Council as a whole. An aim of this policy is to provide City Councilors, other municipal officials and staff with a basic understanding of the roles of the City Council, its individual members, their relationship and interactions with staff, and the issues they will confront.

ROLES OF ELECTED OFFICIALS

Most City Councilors consider the formulation of city policy to be their primary responsibility. They are concerned with the way in which policy is administered. Elected officials have job descriptions too. The job description is contained within the Oregon Revised Statutes, the City Charter, and Ordinances.

It is crucial for City Councilors to act within the course and scope of their authority. Staying within these boundaries of authority can shield the City and its officials from claims or lawsuits. Acting outside an official's authority, even accidentally, may take away statutory and insurance protection. There are four types of power an official may exercise.

- **The Power to Legislate** – This is the power to adopt laws and policies by the elected body.
- **The Power to Administer** – This is the power to implement the laws and policies of the City Council, and can be delegated to committees, staff or contractors. Some of the administrative power is, by charter, delegated to the City Finance Officer and the Budget Committee.
- **Quasi Judicial Power** – This is the power to determine the rights of individuals in specific cases such as land use or zoning issues, or employee discipline or termination. City Councilors must show judicial objectivity by:

- Giving proper notice of all proceedings
 - Acting as a fair and impartial judge
 - Following all procedural rules
 - Confining your deliberations to determining the facts in the public record, applying applicable law, and avoiding ex-parte contacts.
-
- **Proprietary Power** – This is the administrative power to engage in commercial activity, such as providing water and sewer services, buying and selling property or contracting for goods and services. Exercise of proprietary powers must meet standards in the charter, city ordinances, and state and federal law.

While individual City Councilors may, as part of the governing body, be involved in the administrative decision, City Councilors have no individual power to interfere or influence administrative activities, negotiations or terms of agreements.

POLICY ROLE OF THE CITY COUNCIL

The City Council has dominant voice in policy matters. The City Employees take part in the policy making process when they make recommendations to the City Council. Employees establish administrative policy when they make decisions on specific matters that are not clearly covered by existing ordinances, or regulations.

The unique role of the City Council in the policy-making process is to serve as the highest authority within city government in determining policy. Although the City's Staff may be involved in formulating and implementing policy, only the City Council may pass an Ordinance or Resolution, and adopt a Comprehensive Plan.

For a City Council to effectively assume a positive and active role in bringing issues forward for discussion in setting policy, City Councilors need a clear understanding of the policy process and the stages at which the City Council intervention is most effective. It may be helpful to think of the policy process as a series of steps or phases:

- Identification of problems and needs.

- Establishing of community goals.

- Determination and analysis of alternative means for achieving objectives.
- Establishment of priorities.
- Development of programs. (Staff function).
- Implementation of programs. (Staff function).
- Monitoring and evaluation of programs. (Staff function).
- Feedback.

These steps usually do not occur as separate actions or decisions, but they may occur more or less in sequence, as in adoption and periodic review of the Comprehensive Plan, a Capital Improvement Plan, or the annual City Budget. City Councilors may be involved in each of these steps, but their most important contributions are likely to be in identifying needs, establishing goals and objectives, choosing among alternatives, setting priorities, and providing feedback.

ADMINISTRATIVE ROLES OF THE CITY COUNCIL AND DEPARTMENT HEADS

A City Council's administrative role varies according to the form of government. Aurora uses a "weak mayor" system. This means the Mayor is a voting member of the City Council as opposed to a presiding Mayor with veto power. The Mayor appoints City Councilors to serve as Liaison for a particular City Department at the first meeting in January of each year, and may serve as a Liaison for any number of functions.

A City Councilor may be assigned as "Liaison" to any one of these four responsibility areas: Public Works Department, Police Department, as Inter-Governmental Liaison or as with the City Administration Staff/Community Liaison. A portion of each City Council meeting is set aside for reports from the "liaisons" on matters related to their assignments, i.e., committee, workshops, research, etc.

Individually, each City Councilor has authority in administrative matters only to the extent delegated by the City Council as a whole.

This delegation is often formally expressed through an Ordinance or Charter provision but may be implemented through City Council action or

City Council Procedures

Page - 7 - of 46

Adopted by the City Council on November 11, 2008

resolution.

In Aurora, most administrative authority is vested in the City Council and Department Heads who are appointed and are removed by the City Council. Currently, these Department Head positions are as follows:

Public Works Superintendent
Police Chief
City Recorder
Finance Officer

Under the current administrative role of the City Council, there are likely to be many practical, and in some cases even legal limits to the City Council's administrative activities. But examples of City Councilor's administrative role may be: 1) During a Department Head's absence, the Department Head's Liaison could present a department request, proposal or report for City Council Meetings, or present a potential problem, or requests for services: 2) The Department Head's Liaison could provide ideas about a program or policy, attend intergovernmental or other meetings to gain insight and background, assist with evaluation or bids for services, etc.

The City of Aurora Liaison's roles are support and advice mechanisms for the Department Heads and are for the City Council's mutual benefit. The Mayor and Department Heads bear the responsibility for the "general day to day" operations of the Department they supervise. Through this relationship, a Liaison uses the knowledge and background of the department or city service they represent at the City Council level to better inform other City Councilors and the citizens.

This can assist the City Council in developing policies and programs to meet the community and staff needs. The Liaison's and City Staff roles are contained in greater detail further on in this handbook.

AUTHORITY

CITY CHARTER

The City Charter of the City of Aurora provides that the City Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the City Council until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd number years

City Council Procedures

Page - 8 - of 46

Adopted by the City Council on November 11, 2008

following general elections. Where these rules are found to conflict with the City Charter, the terms of the City Charter shall govern as the "constitution" of the City.

Within 30 days of taking office, each appointed or elected City Councilor shall sign the Miscellaneous Page of This Handbook stating that they have reviewed and received a copy of these rules. The City Recorder shall retain the signed copy.

COUNCIL MEETINGS

REGULAR MEETINGS

The **Aurora City Council** will meet in regular session on the second Tuesday of each month at 7:00 pm. A change of any regular meeting date may be made by motion duly passed at a regular meeting.

MEETING PLACE

The **Aurora City Council Meetings** shall be held in the City Council Chambers or such other location as may be determined by the City Council.

SPECIAL MEETINGS

The Presiding Officer, upon his or her own motion may, or at the request of three members of the City Council shall, by giving notice thereof to all members of the City Council call a special meeting of the City Council. At least 24 hours notice to the press and interested persons who have asked to be notified. Special Meetings of the City Council may also be held at any time by the common consent of all members of the City Council. **Only the subjects listed on the special meeting agenda may be acted upon.**

NOTICE OF SPECIAL MEETINGS

Notice of Special Meetings of the City Council may be given in writing. The City Recorder shall be responsible for the notification by an email to inform the City Council that their packets are located in the blue box, which would consist of an agenda and a packet of information that needs to be discussed at

the Special City Council Meeting.

Within five days after a City Councilor shall take oath of office, he/she shall leave an email address where all notices of Special Meetings are to be delivered and shall further designate a telephone number at which all notices of Special City Council Meetings are to be called. Delivery of a written notice of a specially called City Council Meeting to the email address given by the City Councilor shall be at least 24 hours before the time of the specially called meeting.

In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for the meeting shall describe the emergency justifying less than 24 hours notice.

Notices to City Councilors of a specially called City Council Meeting shall be entered in the minutes of the Special City Council Meeting and shall be a permanent record of the Special City Council Meeting. It is the responsibility of the City Recorder to fax, email or deliver a copy of the agenda to the Canby Herald, to the Woodburn Independent, and other interested parties upon written request. It is also the responsibility of the City Recorder to make sure the agenda is posted at the General Store, the Post Office, and on the Bulletin Board at City Hall.

ATTENDANCE

It is the duty of each member of the City Council to attend all meetings of the City Council. The Aurora City Charter provides that a City Councilor's office will be deemed vacant upon his or her absence from meetings of the City Council for 60 days without consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

- Illness;
- Family obligations;
- Employment requirements;
- Scheduled vacations; or
- Other city business

EXCUSED ABSENCE

When any City Council member cannot attend a meeting of the City Council, the member shall notify the City Recorder prior to the meeting. If there are no objections from other City Councilors, the Presiding Officer may announce

the absence is for good cause and the absence shall be listed in the minutes as excused. If the City Council determines the absence is not for good cause, the absence shall be listed in the minutes as unexcused.

If a quorum is not present at a regular meeting or at any special meeting called, the Mayor or Council President may adjourn to a later time.

Except as provided by State law, all meetings of the City Council and its committees shall be open to the public and the media, freely subject to recording by tape, radio, television, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting as determined by the Mayor or the Council President.

OPEN MEETINGS

All meetings will be held in accordance with the Oregon Public Meeting Law. No final action by the City Council shall have legal effect unless the motion and the vote by which it is disposed of, take place at a proceeding that was open to the public.

QUORUM

Three members of the City Council shall constitute a quorum for its business, but less than three City Councilors may meet and compel the attendance of absent members. If a quorum is not present, those in attendance will be recorded and the Mayor will adjourn the meeting

OATH OF OFFICE

New Councilors and / or Mayor shall be sworn in by the City Recorder. In the absence of the City Recorder the Finance Officer will administer the Oath of Office.

CONFIDENTIALITY

City Councilors shall not share or discuss any confidential information with anyone other than other City Councilors, the Mayor, the City Recorder, or the City Attorney.

City Councilors will keep all written materials provided to them on matters confidential under law in complete confidence to insure that the City's position is

not compromised. No mention of confidential information read or heard should be made to anyone other than other City Councilors, the City Recorder, the Mayor, and or the City Attorney.

WORK SESSION

The **Aurora City Council** may hold a work session any time that the City Council feels is necessary.

Work Sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Mayor or the Presiding Officer or by a majority vote of the City Council.

EXECUTIVE SESSION

Executive Sessions shall be held in accordance with Oregon law – ORS 192.660. Matters discussed in Executive Session shall be exempt from public disclosure pursuant to State Statutes. Executive Sessions shall be closed to all persons except the City Council; persons reporting to City Council on the subject of the Executive Session; the City Recorder; City Staff persons as allowed by the City Council to attend; news media representatives, unless excluded by the Public Meeting Law (e.g...media representatives may be excluded for discussions regarding labor negotiations); and other persons authorized by the City Council to attend. No elected official who declares an actual conflict of interest on a topic to be discussed in executive session, or who is a party to litigation being discussed, shall remain in the room during such executive session discussion.

Prior to opening an executive session the Presiding Officer shall:

- announce the purpose of the executive session,
- announce the state statute authorizing the executive session, and
- notification to all present, including the media, that matters discussed in executive session are not to be disclosed or reported to the public

An Executive Session may be held during any open meeting for which proper notice has been given. No final action may be taken during an Executive Session, but an opinion or consensus of the City Council may be gathered.

DISCUSSIONS IN EXECUTIVE SESSION

If the City Council, in Executive Session reaches consensus or provides direction to staff on confidential matters – such as negotiations on property acquisition or disposal, pending or likely claim or litigation, or employee

negotiations – all contact with other parties shall be made by designated representatives handling the negotiations or litigation. A City Councilor will not have any contact or discussions with any other party or its representative nor communicate any executive session discussion.

EXECUTIVE SESSION MINUTES

Minutes from Executive Sessions held pursuant to ORS 192 660 will be kept in the form of a tape recording. No transcription of Executive Session minutes will be made, unless otherwise required by law.

CANCELLATION OF MEETING

Upon a majority vote of the members of the City Council present, a meeting may be canceled when deemed appropriate. The City Charter requires one regular meeting be held each month. Notice of cancellation shall be posted on the Bulletin Board at City Hall, distributed to members of the media, and to the interested citizens, and posted on the City Council Chamber Door.

ORDER OF BUSINESS AND AGENDA

AGENDA

The order of business of each meeting shall be as contained in the agenda prepared by the City Recorder. The agenda shall be a listing by topic of subjects to be considered by the City Council, and shall be available to the members of the City Council at least four (4) days preceding the meeting to which it pertains except in case of a Special or Emergency Meeting. Failure to make timely delivery shall not invalidate any action by the City Council. The City Council meetings will adjourn by 10:00 pm.

ORDER OF BUSINESS

Generally, the order of business at regular meetings of the City Council will be:

- a) **Call to Order** - The Mayor or Council President shall call the meeting to order. No item of business shall be added to the

printed agenda after 3:00 pm on the Thursday preceding the meeting for which the agenda has been prepared.

- b) **Roll Call** – The City Recorder will conduct a roll call in **alphabetic order**.
- c) **Consent Agenda** - The consent agenda shall consist of a list of routine, non-controversial matters, not typically requiring discussion, presented for City Council approval by a single motion. Any item may be removed at the beginning of the meeting for a separate consideration upon request.
- d) **Visitors** - An opportunity for members of the audience shall be given to address the City Council on any matter, other than those issues on the Agenda scheduled for public hearing. Participants must state their name and address for the record prior to addressing the City Council. If the person has not signed the "Sign-In Sheet," the person will not be allowed to address the City Council.

Testimony will be limited to three minutes, unless additional time is granted by the Mayor. Items brought before the City Council from the public during public testimony should be referred to the staff for appropriate action and a report returned to the City Council, if requested.

Such procedure should not prevent the staff, Mayor, or City Council from answering directly to a citizen inquiry at the time it is brought before the City Council.

e) **Staff Reports**

Parks Committee Reports - The Park's Commissioner brings up any issues that need to be discussed and possibly need to be approved by the City Council.

Mayor's Report

City Councilor's Report, if available

City Attorney's Report, if available

- f) **City Planner's Report, if available**
Ordinances and Resolutions –
- g) **Planning Commission Report**
- h) **Public Hearings –** (Procedures for public hearings are addressed elsewhere in these procedures)
- i) **New Business** - Time provided for members of the City Council or City staff to bring any new matters before the City Council. These matters need to be listed on the agenda, if there needs to be an immediate answer or response back from the City Council.
- j) **Unfinished Business** - Items that have been tabled from other City Council meetings.
- k) **Adjournment**

COUNCILORS PLACING AN ITEM ON THE AGENDA

A City Councilor wishing to place an item on the agenda will advise the City Recorder no later than seven (7) days prior to the regular City Council meeting at which the item is to be considered.

SPECIAL ACCOMMODATIONS

All City Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans with Disabilities Act and that persons needing accommodations may contact the City Recorder 48 hours prior to the meeting time to request the necessary accommodations. Such notice shall provide the telephone number at which the City Recorder may be contacted.

THE PRESIDING OFFICER

MAYOR

The Mayor shall preside at all meetings of the City Council. The Mayor shall have all duties and privileges of any City Councilor, and shall not be denied any right or privilege by reason of his or her position as the Presiding Officer. He or she shall have authority to preserve order, enforce the rules of the City Council and determine the order of business. In the absence of the Mayor, the City Council President shall serve as the Presiding Officer. In the absence of both the

City Council Procedures

Page - 15 - of 46

Adopted by the City Council on November 11, 2008

Mayor and Council President at a meeting where a quorum is present, the City Councilor with the longest continuous service on the City Council from the City Councilors present shall preside.

The Mayor may also have other specific duties contained within the Charter, Employee Handbook, and other written policies and procedures approved by the City Council. The Mayor may appoint committees and countersigns all ordinances, resolutions, and other records of proceedings approved by the City Council.

COUNCIL PRESIDENT

At the first meeting of the City Council in each odd-numbered year, the City Council will elect a Council President from its members. Whenever the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor.

COUNCILOR ROLES

Individual City Councilors may perform various other roles, determined and delegated by City Council rules or resolution.

SERGEANT-OF-ARMS

The Sergeant-of-Arms will be responsible for keeping the order and peace at meetings and to assist the Presiding Officer, as appropriate.

MAJORITY VOTE REQUIRED

A quorum being present, an affirmative vote of at least a majority of the members of the City Council present and eligible to vote shall be necessary to pass an ordinance, a resolution, or a motion. When any vote is called, each City Council member shall respond (aye) or "(nay)," "abstain," or "pass". Any City Council Member who responds "pass" shall be given an opportunity at the end of the vote to change his or her vote to "(yes)" "(aye)", "(no)" (nay)" or "abstain." Any "pass" response not changed, shall be recorded as an abstention. The Presiding Officer will have a vote on all questions before the City Council. Any City Councilor abstaining shall state the reason for the abstention. An abstention does not count as either an affirmative or negative vote and shall not be counted toward the number of votes required to pass or reject a motion.

TIE VOTE

In the event of a tie in votes on any motion, the motion shall be considered defeated.

MINUTES

RECORDING OF MINUTES

Minutes are the official record of the City Council meetings. They record the substance of a meeting and are a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. It is general practice to sound record the meetings of the City Council for back up reference.

City Council minutes shall be kept by the City Recorder and the minutes, upon approval, shall constitute the official record of the City Council. The minutes are to include, at a minimum:

- a) Kind of meeting (regular, special, work session, etc.).
- b) The name of the body meeting (City Council, Planning Commission, the Historic Review Board, and the Budget Committee, etc).
- c) Date of the meeting and place where it is held.
- d) Name and title of the Presiding Officer (usually the Mayor).
- e) All motions with dispositions, and the name of the mover, and the name of the person who seconded the motion.
- f) Members present.
- g) Proposals, resolutions, orders, ordinances, and measures proposed and their disposition.
- h) Results of all votes including abstentions.
- i) The substance of any discussion on any matter.
- j) The name and address, if available, on any person appearing

before the City Council to offer testimony, and the substance of such testimony.

- k) Exhibits or written testimony subject to ORS 192.410 to 192.505.
- l) Reference to the appropriate ORS section under which an Executive Session was held.
- m) References to documents discussed.
- n) Signature lines for the Mayor and City Recorder.

DISTRIBUTION OF MINUTES

Draft minutes are distributed to the City Council with the agenda on which those minutes appear as an item for approval. However, because the minutes are generally completed in draft form prior to distribution of the agenda packets, the minutes are available for earlier review should the need arise, with the words "DRAFT" stamped on the minutes.

CORRECTION AND APPROVAL OF MINUTES

Approval of the minutes usually takes place at the next meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the Consent Agenda. If minor changes are made to the minutes, a City Councilor may offer such amendment prior to the Consent Agenda being approved. For extensive amendments, the minutes should be pulled off the Consent Agenda for consideration. All corrections that appear will appear in the minutes of the meeting when the changes took place.

If a City Councilor has a concern over the reporting of minutes, it is that City Councilor's responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played, if necessary.

VOTING REQUIRED

Every member of the City Council that is present when a question is addressed shall vote for or against the question, unless he or she abstains for just cause (conflict of interest, bias, etc).

VOTING RESULTS

The Presiding Officer announces the voting result. This step is always included to ensure City Council understanding of the outcome and so that the City Recorder will be able to accurately reflect the outcome in the minutes.

VACANCY OF CITY COUNCIL POSITION

The Aurora City Charter outlines circumstances in which a City Council position may become vacant.

Vacancies in elective offices in the City shall be filled by a majority of the members of the City Council. The appointee's term of office shall begin immediately upon his or her appointment and shall continue throughout the unexpired term of his or her predecessor. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his or her office may be filled pro-tem in the manner provided for filling vacancies in office permanently.

VACANCY OF THE MAYOR'S POSITION

In the event the office of the Mayor becomes vacant, the office shall be filled as specified by the City Charter. A new Council President shall be appointed accordingly from the remaining members of the City Council. The City Council then shall fill the vacancy as set forth below. It is the responsibility of the City Recorder to notify the City Attorney immediately upon being notified that the Mayor has resigned or the Mayor's position becomes vacant.

DECLARATION FOR APPOINTMENT

The vacant position shall be declared vacant by motion of the City Council.

PROCESS FOR APPOINTMENT

Upon declaration of the vacancy, a press release will be issued inviting members of the community, who meet the qualifications as outlined in the City Charter, to submit a letter of interest and resume. Within 45 days of the declaration of vacancy, the City Council may nominate all who have submitted their name for consideration, or City Councilors can nominate individual candidates. At the point where it appears no more nominations are to be made, a

motion shall be made to close the nominations, and upon majority vote of all remaining City Council members present, the nominations are closed.

APPOINTMENT VOTE

The Presiding Officer shall review the appointment process with members of the audience prior to any votes being taken. Written ballots shall be prepared by the City Recorder. The following voting process will be as follows:

- a) Each of the remaining members of the City Council shall select one candidate and mark their ballot accordingly. If one candidate receives the majority of the votes of the remaining members of the City Council, such candidate shall be appointed to fill the vacant position.
- b) If no candidate receives a majority vote of all remaining members of the City Council on the first ballot, a second ballot shall be distributed. The second ballot shall contain the names of the two candidates receiving the most votes from the first ballot, unless a tie resulted from the first ballot. In a tie situation, all first place candidates will be on the second ballot. Each remaining member of the City Council shall select one candidate and mark their ballot accordingly. The candidate receiving a majority of the votes of the remaining members of the City Council shall then be appointed to the vacant position.
- c) If no candidate receives a majority of all remaining members of the City Council on the second ballot, a third and final ballot will be prepared containing the names of the two candidates, or all first place candidates in case of a tie in the second vote. Each remaining member of the City Council shall select one candidate and mark their ballot accordingly. The candidate receiving the majority of the votes of the remaining members of the City Council shall be appointed to the vacant position. In case of a tie vote on this third and final vote, the City Council will select the replacement City Councilor according to the procedure outlined below.
- d) By motion, the City Council shall validate the appointment.

TIE VOTES APPOINTMENT PROCESS

In the event of a tie vote during the third and final vote of the appointment voting process, the names of the two candidates or all first place candidates in case of a tie) receiving a majority vote of the remaining members of the City

Council will be placed in an official city bucket. The City Recorder will draw the successful name.

TIE VOTES – CITY COUNCIL ELECTION

When two or more candidates running for the same City Council position, have an equal and the highest number of votes, the successful candidate will be determined by a drawing of lots. Upon confirmation of a recount by the Marion County Elections Division, this determination shall take place after the general election. The City Council will use the same process to determine the successful candidate as outlined in the Section called "Tie Votes – Appointment Process."

RULES OR ORDER

Robert's Rules of Order Summary Version shall be used as guidelines to govern all City Council proceedings unless they conflict with these rules. The Mayor and if the Mayor is unable to attend, then the City Council President will act as parliamentarian with support from the City Attorney when present.

Robert's Rules of Order - Summary Version For Fair and Orderly Meetings & Conventions

The City of Aurora has adopted Modern Parliamentary Procedure as its procedural guide for deliberation and decision making, subject to charter and ordinance provisions.

Procedural Explanations

- Point of Privilege: Pertains to noise, personal comfort, etc. - may interrupt only if necessary!
- Parliamentary Inquiry: Inquire as to the correct motion - to accomplish a desired result, or raise a point of order
- Point of Information: Generally applies to information desired from the speaker: "I should like to ask the (speaker) a question."
- Orders of the Day (Agenda): A call to adhere to the agenda (a deviation from the agenda requires Suspending the Rules)
- Point of Order: Infraction of the rules, or improper decorum in speaking. Must be raised immediately after the error is made

- Main Motion: Brings new business (the next item on the agenda) before the assembly
- Divide the Question: Divides a motion into two or more separate motions (must be able to stand on their own)
- Consider by Paragraph: Adoption of paper is held until all paragraphs are debated and amended and entire paper is satisfactory; after all paragraphs are considered, the entire paper is then open to amendment, and paragraphs may be further amended. Any Preamble can not be considered until debate on the body of the paper has ceased.
- Amend: Inserting or striking out words or paragraphs, or substituting whole paragraphs or resolutions
- Withdraw/Modify Motion: Applies only after question is stated; mover can accept an amendment without obtaining the floor
- Commit /Refer/Recommit to Committee: State the committees to receive the question or resolution; if no committee exists include size of committee desired and method of selecting the members (election or appointment).
- Extend Debate: Applies only to the immediately pending question; extends until a certain time or for a certain period of time
- Limit Debate: Closing debate at a certain time, or limiting to a certain period of time
- Postpone to a Certain Time: State the time the motion or agenda item will be resumed
- Object to Consideration: Objection must be stated before discussion or another motion is stated
- Lay on the Table: Temporarily suspends further consideration/action on pending question; may be made after motion to close debate has carried or is pending
- Take from the Table: Resumes consideration of item previously "laid on the table" - state the motion to take from the table
- Reconsider: Can be made only by one on the prevailing side who has changed position or view

- Postpone Indefinitely: Kills the question/resolution for this session - exception: the motion to reconsider can be made this session
- Previous Question: Closes debate if successful - may be moved to "Close Debate" if preferred
- Informal Consideration: Move that the assembly go into "Committee of the Whole" - informal debate as if in committee; this committee may limit number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- Appeal Decision of the Chair: Appeal for the assembly to decide - must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules or order of business
- Suspend the Rules: Allows a violation of the assembly's own rules (except the Charter and Ordinances); the object of the suspension must be specified.

RESOLUTIONS

All resolutions shall be in writing and numbered consecutively in the order in which they are introduced. All resolutions shall be signed by the Mayor, or in the Mayor's absence, by the Council President, and attested to by the City Recorder. A resolution shall receive only one reading before being put to adoption.

DECORUM

The Chief of Police, or such member of the Police Department as he/she shall designate, shall be Sergeant-of-Arms of the City Council. He/she carries out all orders and instructions given by the Mayor or Presiding Officer for the purpose of maintaining order.

REMOVAL OF ANY PERSON

Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the City Councilors present. The Presiding Officer may direct the Sergeant-of-Arms to prevent further interruption by such person by any action necessary including the removal of that individual. In case the Presiding Officer should fail to act, any member of the City Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the City Council present, Sergeant-

of-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed.

ELECTRONIC MAIL

The City Council will observe the following guidelines when using an electronic method for correspondence in their elected roles:

- 1) All e-mail use by the Mayor and City Councilors will comply with the Oregon Public Records Law and Oregon Revised Statutes ORS 192.410 through 192.505.
- 2) E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the City Council, the City Recorder, or City Department Heads.
- 3) E-Mail may not be used to discuss policy issues with a quorum of the City Council at one time or a quorum of a standing advisory body in any manner which would be in violation of the Oregon Public Meeting Laws

CITY COUNCIL TRAINING

All City Councilors are expected to attend at least one City affiliated training seminar/conference per calendar year. The annual events that qualify are listed below:

- League of Oregon Cities Annual Conference
- League of Oregon Cities Elected Officials Training Sessions
- Mid-Willamette Valley Council of Governments New City Councilor Training
- Mid-Willamette Valley Council of Governments State Wide Planning Seminar

REIMBURSEMENT ALLOWANCE

A reimbursement allowance for travel, meals not included with the training session, and overnight accommodations expenses may be requested for those conferences that are held at a location that is at least 50 driving miles distance from Aurora, or with approval of the City Council. City Councilors are expected to use their discretion when selecting accommodations for overnight travel and meals and should use established state/city-negotiated rates for lodging.

CITY COUNCIL APPROVAL

City Council members requesting additional training must do so with City Council approval.

BUDGET PROCESS

Budgeting is an annual process by which cities identify the types and levels of services that can be provided within the constraints of available resources. Since the initiation of the budgeting process in the late nineteenth century, the main objective of municipal budgeting has been to achieve control over public revenues (particularly taxes) and expenditures. However, the uses of budgeting have broadened as cities have grown more sophisticated and the practices, uses, and procedures have become more complex.

In directing a local government's efforts to fulfill its mission, the budget is one of the most powerful tools available to government leaders. It is a policy document that is one form of the City's statement of priorities for the fiscal year. It determines who gets what and expresses how the legislative body intends to address the community's needs and fulfill its goals.

Most citizens think of the budget as strictly a financial tool in which the budget allocates the City's resources. However, as a public document, it can serve many purposes, such as:

- A communication tool for elected officials and the administration to communicate decisions to citizens and staff;
- A decision-making document which staff uses as a tool to ensure financial integrity;
- A management audit tool to measure performance;
- A policy tool for the Mayor and the City Council to express the goals and priorities for the next year.
- The financial plan of the City for the next twelve months.

BUDGET TYPES

There are four general types of budgets that evolved over the years. The City of Aurora budget is a combination of two types:

- The Line Item Budget – Is the most common budget type. It lists how much will be spent for every account item, by fund and department. Expenditures are broken into several categories: 1) personal services

(staff salaries and benefits), 2) materials and services materials and supplies as well as private consultants needed), 3) capitol outlay (those purchases or projects exceeding \$5,000 that will be used over more than one fiscal year), and 4) non-departmental (transfers, reserves, contingencies, and un-appropriated fund balances). The line item budget is considered the simplest form of budget. It is basically used as a financial control tool.

- The Program Budget – This divides departmental budgets into programs. In some cases a program may cross departments. The Water, Wastewater, and Street Funds are Program-Type Budgets. There is generally a narrative description of the program along with its cost and number of employees. Program budgeting makes it easier to know what the service priorities are and their total cost. A program budget usually requires more staff time to put together.

OREGON BUDGET LAW

Oregon's Budget Law is found in ORS Chapter 294. The Oregon Department of Revenue administers this law and publishes the Local Budgeting Process in Oregon. The law establishes standard procedures for preparing, presenting, and administering the budget. It requires citizen involvement through a budget committee and public hearings before the budget may be adopted.

The law requires a budget message to be prepared by the Finance Officer, who is known as the Budget Officer. The message should:

- Explain the budget document.
- Outline the proposed financial policies for the ensuring fiscal year;
- Describe the important features of the proposed budget as they apply to the financial policies;
- set forth the basic reasons for major changes in appropriations and revenue items;
- and
- The budget message must be given at the first meeting of the budget committee when the proposed budget is presented to the budget committee.

The budget committee is composed of the City Council and an equal number of citizens. The members are appointed by the City Council. The Budget Committee must elect a chair. The Budget Committee receives the budget message from the Budget Officer, receives public input on the proposed budget, prepares minutes for the meetings, requests information from the City

Staff, approves the Budget for City Council adoption, and recommends the property tax levy. The City Council is required to adopt the Budget no later than the last day of the fiscal year, June 30. The City Council's changes to the budget approved by the Budget Committee are limited to 10 percent of the total amount in each fund without referral back to the Budget Committee. **The budget and related filing forms must be filed with the County Assessor by July 15th of each year.**

BUDGET CYCLE

There are four distinct stages in the budget cycle:

- The formulation stage begins when the City Staff develops long range financial projections, presents budget assumptions to the budget committee, and begins to estimate revenues and expenditures and compiles them into a proposed budget. This stage normally runs from January to April each year.
- The approved stage involves the Budget Committee receiving the proposed budget, holding a public hearing and recommending the approved budget for the City Council adoption of the final budget hearing at their June City Council Meeting. The City Council has the final authority to change the approved budget. However, if the change increases the property tax levy or increases a fund's approved expenditure by more than 10%, the budget must be referred back to the Budget Committee and notices must be published again. This stage normally is done in May for the June City Council Meeting.
- The implementation stage begins on July 1 (the first day of the fiscal year). Occasionally, the budget may need to be adjusted. The City Council has the authority to amend the budget through a resolution (usually the mechanism used to amend the budget is the same mechanism used to adopt the budget). Appropriations may be moved from one department to another by a transfer resolution. Recognition of unanticipated revenues, such as grants, gifts or bond proceeds, may also be appropriated through ordinance or resolution adopted by the City Council.
- It is important to note that appropriations give the right to spend what has been approved by the City Council, but not spend additional revenues received. Any amount of revenue may be received without changing the
- Budget. However, if there is a need to spend additional revenue during the fiscal year, a supplemental budget must be adopted. This is the reason that many funds show expenditures that are likely to never

happen. If no expenditures are shown, but revenues are in fact received, then no spending could occur without a supplemental budget.

- The final stage, evaluation stage, is conducted at the close of the fiscal year. This results in the preparation of the annual audit and financial report.

FINANCIAL PLANNING

Preparing expenditure forecasts and reviewing existing revenue sources, rate structures and charges are important processes in finance and management policy. More and more cities do long-term projections and present them to the budget committee and City Council. These projections help to give the staff guidance and direction for preparing the next year's budget. They may also highlight the need for review of various fees and charges, such as utility fees or systems development charges.

PROCEDURES IN HANDLING PARLIAMENTARY MOTIONS

- 1) To move a motion, a City Councilor must be recognized by the Presiding Officer at a time when there is no other business on the floor. The City Councilor then says, "I move to accept the adoption of an ordinance..." or "I move to approve Resolution Number".
- 2) Another City Council member seconds the motion. This can be done without being recognized by the Presiding Officer. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second and the Presiding Officer calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.
- 3) The Presiding Officer states the question on the motion. This procedure is necessary for the motion to come before the City Council. Prior to this step, the Presiding Officer can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Presiding Officer states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Presiding Officer to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.

- 4) Debate then takes place on the motion. The original mover is entitled to the floor first. Each member has the right to speak and to rebut any other speakers, but should not have the floor the second time until all who wish have spoken once. Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.
- 5) The Presiding Officer then puts the question to a vote. When the debate appears to have closed, the Presiding Officer asks "are you ready for the question?" If no one claims the floor, the Presiding Officer restates the motion and calls for a vote.

REQUESTS FOR ORDINANCE

Any member of the City Council may request the City Recorder to have a proposed ordinance prepared so that such ordinance may be placed on the agenda at the next regular City Council meeting, providing the ordinance can be drafted and distributed to members of the City Council in accordance with time schedules set forth in these rules. Upon reviewing a request for a proposed ordinance the City Recorder shall direct the preparation of ordinance text to the City Attorney. Upon receiving a request for a written legal opinion, the City Recorder shall request the same from the City Attorney. Upon the return receipt of the written legal opinion, the City Recorder shall distribute the written legal opinion to all members of the City Council so that they may be fully informed of the status of City affairs.

FORM

All Ordinances, Resolutions, and Proclamations shall be presented to the City Council in type-written form. All ordinances and resolutions authorizing any expenditure of money should include the exact source of the funds to be expended.

READING ORDINANCES BY TITLE ONLY

Upon being introduced, each proposed ordinance shall be read by title only if no member of the City Council requests a full reading. The second reading is conducted in the same manner, subject to prior posting of five (5) days' notice in the three (3) places designated for public notices. The three designated places that the Ordinance needs to be posted is at the General Store, the Aurora Post Office, and on the Bulletin Board at City Hall.

DISTRIBUTION OF ORDINANCES

The City Recorder shall cause copies of all proposed ordinances to be distributed to all members of the City Council at least four (4) days before the City Council meeting at which the ordinance is to be introduced, except when an emergency exists.

ENACTMENT OF ORDINANCES

All Ordinances will be enacted pursuant to the Aurora City Charter. Except for emergency ordinances, the ordinance will take affect 30 days after the date of adoption of the Ordinance.

All Ordinances shall be read at two meetings of the City Council. If approved by the City Council, the first reading may be by title only and a brief outline covering the purpose of the Ordinance.

The second reading may be by title only unless any person present requests to have the ordinance or any part thereof read in full. Immediately following the first reading of a proposed ordinance, it shall be signed and posted in three public and conspicuous places in the city for a period of five days prior to the passage of said ordinance. Whenever the City Council proposes to take final action on any proposed ordinance at a special meeting, notice thereof giving the time and place of such meeting shall be posted along with the ordinance.

In any event, before the final action has been taken on any proposed ordinance, there shall be filed by or with the City Recorder proof of affidavit of posting of proposed ordinance. After final reading of a proposed ordinance, the City Council may immediately take action thereon or may, by a majority vote of the City Council present at such meeting, postpone final action on the proposed ordinance from time to time, and it shall require a majority vote of all members of the council to pass an ordinance after its final reading.

Upon the final vote of an ordinance, the ayes and nays of the members shall be taken and recorded in the record, and upon the enactment of an ordinance the recorder shall sign it with the date of its passage and his name and title of office and within five days thereafter, the Mayor shall sign it with the date of his signature, his name and the title of his office.

SIGNING OF OFFICIAL DOCUMENTS

The Mayor shall sign all records of proceedings approved by the City Council. The Mayor shall sign all Ordinances and Resolutions passed by the

City Council within five days after their passage. The Council President shall perform these functions whenever the Mayor is unavailable.

COUNCIL RELATIONS WITH CITY STAFF

MUTUAL RESPECT

There will be mutual respect and consideration shown from both the staff and the City Council of their respective roles and responsibilities when and if expressing comments of any kind in a public meeting or in any other public contact.

CITY STAFF ROLES

City Staff will acknowledge the City Council as policy makers, and the City Council will acknowledge staff as administering the City Council's policies.

City Councilors and City Employees may participate in meetings, negotiations, discussions with other agencies, departments, etc. on matters pertinent to the interests and potential involvement of their departments. Liaisons and Department Heads will cooperate in all discussions and creation of any Department Goals.

WRITTEN INFORMATION

All written informational material requested by individual City Councilors or the Mayor will be submitted by the Department Head to the entire City Council in their prepared packets.

MAYOR AND CITY COUNCILORS

Mayor and City Councilors will not attempt to coerce or influence Department Heads in the making of appointments.

Mayor and City Councilors will not attempt to change or interfere with the operating rules and practices of any City Department. The Mayor and City Councilors will be required to follow the same policies, rules, and regulations regarding the use of City equipment, access to public records and information, **as the general public.**

CITY COUNCILORS MAIL

City Staff will not open mail addressed to an individual City Councilor unless that City Councilor has authorized it. At no time will staff open any mail that is marked personal or confidential. In the case of any mail that is addressed to an individual City Councilor that contains correspondence, contracts, proposals, or other documents which pertain to City Business and for which the Administration Department bears the responsibility for filing, retaining and disbursing as a public record, the City Councilor must provide the original of such document to the City Recorder's office. A copy may be retained by the City Councilor for his/her records.

DIRECT STAFF

City Councilors will not direct staff to initiate any action or prepare any report that is significant in nature, or initiate any project or study without approval of the majority of the City Council.

MAYOR AND CITY COUNCILORS REQUEST

The Mayor and City Councilors request for information should be made directly to the Department Head. In this way, the Department Head can evaluate if the request would create a change in work assignments or priorities for employees.

DECORUM AND ORDER

PRESIDING OFFICER

The Presiding Officer shall enforce the rules of the City Council. In addition, the Presiding Officer has the authority to preserve decorum and decide all points of order subject to appeal to the City Council. The Presiding Officer shall enforce order, prevent attacks on personalities or impugning members' motives, and keep those in debate to the question under discussion.

CITY COUNCILORS

City Councilors shall preserve order and decorum during City Council meetings and shall not by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. City Councilors shall when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, should not 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. City Councilors should not attack the knowledge, skills, abilities, and personalities or impugn city staff members' motives in City Councilor or any City meetings.

STAFF AND PUBLIC

Members of the administrative staff, employees of the City and other persons attending City Council meetings shall observe the same rules of procedure, decorum, and good conduct applicable to the members of the City Council.

PUBLIC TESTIMONY

CITIZEN'S RIGHTS

Manner of Addressing the City Council – Time Limits - Each person addressing the City Council shall step up to the microphone, or designated area of the meeting room, will give his/her name and general area of residence in an audible tone of voice for the record. Unless further time is granted by the presiding officer with concurrence of the City Council, comments should be limited to three (3) minutes. All remarks shall be addressed from the podium to the City Council as a body. Questions should be asked of the City Council members through the presiding officer. The City Council may then determine the disposition of the issue, (placed on present agenda if an emergency exists, workshops, other agendas, or do not consider).

PERSONS SHARING COMMON CONCERNS

If any group of three or more persons sharing a common viewpoint on any subject wishes to address the City Council during comment, the group may select a spokesperson, which may present the views of the group to the City Council to a maximum of three (3) minutes, unless additional time is granted by the Presiding Officer. The City Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letters, videotapes, etc, may be presented to the City Recorder for consideration of the spokesperson's remarks.

SIGN-IN SHEET

All persons or groups wishing to address the City Council during the time set for public comments shall, prior to the convening of the meeting, sign the "Sign-In Sheet" provided by the City Recorder, indicating the name of the person, the address of the person, and the subject of public concern on which the

persons or groups wishes to address the City Council. Those who have not signed the "Sign-In Sheet" may not address the City Council.

COMPLAINTS AND SUGGESTIONS TO THE CITY COUNCIL

When any citizen brings a complaint before or makes a suggestion to the City Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the City Council finds such complaint suggests a change to an ordinance or resolution of the City, the City Council may refer the matter to the City Attorney, the City Recorder, or an advisory body for study and recommendation.

(2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Recorder, the Presiding Officer shall then refer the complaint directly to the City Recorder for his or her review if the complaint has not already been reviewed. The City Council may direct the City Recorder to report to the City Council when his/her review has been made.

PUBLIC HEARINGS

A public hearing shall be held on each matter required by State Law or City policy. The Presiding Officer shall preside over the hearing and announce the type of hearing and the guidelines for the hearing. The Presiding Officer shall declare the hearing to be open and invite the City Attorney and or City Planner to present the staff report together with any petitions, letters, or written comments on the matter.

TESTIMONY

Members of the audience may present oral or written testimony on the matters scheduled for public hearing. The Presiding Officer will call forth members of the audience who have signed up to present testimony under the guidelines specified at the opening of the hearing. If appropriate, the Presiding Officer may first ask those persons in favor of the matter to come forward, with those speaking in opposition coming after.

Testimony will be limited to three minutes, unless additional time is granted by the Presiding Officer. The Presiding Officer may further limit testimony if a speaker persists in being threatening and disorderly, or abusive, following a warning to that effect from the Presiding Officer. Upon being recognized by the Presiding Officer, any member of the City Council or the City staff may ask questions of any speaker. Upon closure of the hearing, no further public testimony will be allowed, unless otherwise provided by law.

TESTIMONY – LAND-USE PUBLIC HEARINGS

In addition to the procedures outlined above, during a Quasi-Judicial Hearing the speaking order will be:

- the staff report will be prepared and presented by the City Planner or the City Attorney
- the applicant will be allowed to testify first,
- then anyone who wishes to present evidence in favor of the application,
- followed by anyone presenting evidence in opposition or to provide general information.
- The applicant in the case will be offered an opportunity for rebuttal.

ATTORNEY REPRESENTATION

Any person attending a land use hearing has the right to be represented by an attorney.

CLOSING OF HEARING/COUNCIL DELIBERATION

The Presiding Officer shall either close the hearing or continue it to a date and time certain for presentation of further evidence or argument. Upon closing the hearing, the City Council may deliberate on the matter immediately, or may deliberate on the matter at a later time. During deliberations, the City Council may request advice from the City Attorney as to the consequences and implications of the proposal or alternatives thereto based upon the facts presented during the hearing.

REOPENING A HEARING

If it appears that substantial new factual material is necessary to reach a decision on the matter, the City Council may, by majority vote, order the hearing reopened or refer the matter to a hearing before the City Attorney for further

development of the record. In either case, a new notice of hearing shall be given.

**OUTLINE FOR HOW TO CONDUCT A QUASI-JUDICIAL OR LEGISLATIVE
PUBLIC HEARING – OPEN PUBLIC MEETINGS LAW**

Order of the Hearing

1. Chair Opens Hearing
(The Presiding Officer announces that the Quasi-Judicial Hearing for (Insert the name of the hearing) or the Legislative Public Hearing for (Insert the name of the hearing) is open at (Insert the time).
2. Hearing Disclosure Statement
(ORS 197.763)
The Presiding Officer announces the reason for the hearing.
3. Declare Actual or Potential Conflicts of Interest, Ex-Parte Contact or Personal Bias.
4. Staff Report – (This would be presented by the City Planner).
 - a) Approval Criteria
 - b) Findings of Fact
 - c) Conclusion and Recommendations
5. Applicant's Testimony
6. Proponent's Testimony
7. Opponent's Testimony
8. Neutral Testimony
9. Applicant's Rebuttal
10. Commission Deliberation
11. Close Hearing
12. Decision Notice of Final Order (Sent to all parties to the hearing)
13. Appeal to (Commission, City Council, or LUBA)

- An explanation of the hearings process (also see *Script for Planning Commission” and sample Hearing Disclosure Statement. (This statement applies to number 2, number 3, number 5, and number 9 listed above.)

HEARINGS DISCLOSURE STATEMENT

The Mayor or Planning Commission Chairman shall read the following statement at the beginning of any public hearing under a comprehensive plan or land use regulation:

- All persons testifying shall be deemed parties to the application, and must provide their name and full mailing address if they wish to be notified of the decision, continuances, appeals or other procedural actions required by the Aurora Municipal Code.
- The City Zoning Code specifies applicable criteria to be relied upon in making a decision. Those criteria and findings of fact are in the City staff report.
- Public testimony should be limited to those criteria and findings of fact or to other city or state land use standards that the person testifying believes apply to the proposed land use action.
- Failure to raise an issue, including constitutional or other issues regarding proposed conditions of approval, accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue, precludes appeal to the City Council or Land Use Board of Appeals based on that issue, or damages in circuit court due to a condition of approval.

ADDITIONAL “COMMENTS” BY THE MAYOR OR COUNCIL PRESIDENT

“Our role is to conduct public hearings and make decisions about land use matters in the City of Aurora. We must apply the law of the City of Aurora and cannot vary from or change the law. If you think the law should be changed, you can work with the City of Aurora to do that at another time. But state law requires that applications must be judged based on the law that existed when the application was filed.

Members of the Planning Commission and City Council are to be unbiased. Before the start of the hearing the Presiding Officer will ask them whether there are any potential conflicts of interest, personal bias, or whether

City Council Procedures

Page - 37 - of 46

Adopted by the City Council on November 11, 2008

there have been any ex-parte contacts to be declared. A witness may challenge the impartiality of a decision maker, and the decision maker may respond to such a challenge.”

CONTINUANCE OF A PUBLIC HEARING

According to **ORS 197.763 (6) (a)**, “prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The local hearings authority shall grant such request by continuing the public hearing pursuant to paragraph (b) of this subsection or leaving the record open for additional written evidence, arguments of testimony pursuant to paragraph (c) of this subsection.

(b) If the hearings authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new evidence.

(c) If the hearings authority leaves the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to the new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record pursuant to subsection 7 of the section.

(d) A continuance or extension granted pursuant to this section shall be subject to the limitations of **ORS 215.428 or 227.178**, unless the continuance or extension is requested or agreed by the applicant.

(e) Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant’s final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of **ORS 215.428 or 227.178.**”

PROCEDURE FOR LAND-USE APEALS

DECISIONS APPEALABLE

Where final decision is granted by the Planning Commission as defined by the Development Code, such decision shall be final unless the City Recorder receives a Notice of Appeal to the City Council pursuant to the guidelines set forth in the Aurora Development Code.

NOTICE OF APPEAL

Every notice of appeal shall contain the material required and the fee as listed in the appeal provisions outlined in the Aurora Development Code.

PUBLIC HEARING DATE AND NOTICE

Upon receipt of an appeal of a decision of the Planning Commission, the City Recorder shall set a date for public hearing before the City Council not less than 30 days from the receipt of the appeal. Notice of the hearing shall be in accordance with the guidelines set forth in the Aurora Development Code.

HEARING BY THE CITY COUNCIL

The City Council shall conduct a public hearing on the appeal at the time and place designated on the notice of hearing. The public hearing shall be conducted in accordance with the provisions of the Aurora Development Code and with the adopted City Council Procedures. The appellant or a designated representative shall appear at said hearing and offer justification of the appeal. If the appellant or representative fails to do so, the appeal shall be denied.

DECISION OF CITY COUNCIL

The City Council may affirm, amend, or reverse the action of the Planning Commission and may grant approval to conditions necessary to carry out the Comprehensive Plan and as provided for in the Aurora Development Code. The City Council may also remand the matter back to the Planning Commission for additional information, subject to the agreement of the applicant to extend the 120-day review period.

APPEAL FEE

An appeal fee established by the City Council shall be required to defray costs incidental to the proceedings and shall be paid at the time of filing an

appeal. The appeal fee shall be determined by a Fee Schedule that has been approved by the City Council in a Resolution.

CONFLICT OF INTEREST AND ETHICS

The Oregon Government Standards and Practices Commission (The Commission) is the agency responsible for the enforcement of the Public Meetings and Ethics Laws of Oregon. The investigatory and deliberative processes are described in this article.

DEFINITION OF ACTUAL CONFLICT

Formerly, the term "potential conflict of interest" was defined. Now, a new definition has been added for an "actual conflict of interest." There are three elements of an actual conflict:

1. The person is acting as a public official;
2. The official is acting, deciding, or recommending action; and
3. The act, decision, or recommendation would cause the official, a relative, or the official's relative, a financial benefit or avoidance or a financial detriment.

CONFLICT OF INTEREST

In every case in which a City 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 City Council member, after disclosing the conflict, shall remove themselves from the City Council table and refrain from participation in the discussion and the vote on the issue. If a potential conflict exists, must disclose the conflict, but may participate in the discussion of the issue and may vote.

A **potential** conflict of interest would be any action, decision, or recommendation in which the effect could be to the private pecuniary benefit or detriment of the City Councilor or relative of the City Councilor or any business which the City Councilor or City Councilor's relative is associated.

An **actual** conflict of interest would be any action, decision, or recommendation in which the effect would be to the private pecuniary benefit or detriment of the City Councilor or relative of the City Councilor

or any business which the City Councilor or City Councilor's relative is associated

BIAS

In quasi-judicial cases, City Councilors should excuse themselves from any decision or discussions if they have a prejudice or prejudgment of the facts to such a degree that the City Councilor is incapable of rendering an objective decision on the merits. Members of the City Council should avoid voicing an opinion prior to the testimony and avoid ex-parte contacts.

Exception: If the recusal results in a lack of a quorum for a decision that has to be made immediately, the City Council member may be counted for the purpose of establishing a quorum, however the member must abstain from voting.

EX-PARTE CONTACT

Ex-Parte contacts only apply in a quasi-judicial case. Members of the City Council should avoid any communication outside of the public hearing process with the applicant or an outside party on quasi-judicial on land-use applications. A site visit is not considered an ex-parte contact unless there is communication with a party or if information is gained from the visit that could be a factor in future decisions. Any ex-parte contact, including the nature of the contact and the information obtained, should be disclosed at the beginning of the public hearing.

ABSENCE AT PUBLIC HEARING

A member of the City Council shall not participate in the discussion or vote on a quasi-judicial land use application when they were not present during the public hearing.

Exception: If the City Council member has reviewed the audio or video tape recordings of the proceedings and any evidence presented at the hearing, the City Councilor may participate in the discussion and vote on the matter, following their announcement that they have done so.

GIFT DEFINITION

Two new exemptions from the definition of a reportable gift have been adopted. For a gift to be exempt from reporting, a public official must consume or experience it with the purchaser. One exemption applies to food or beverages

and other applies to entertainment with a value limited to \$50.00 per event and \$50.00 per calendar year. Providing food, lodging, or travel for a public official's spouse was formerly within the definition of "gift." (Keller v. Oregon Government Ethics Comm, 106 OR App 727,809 p2d 721, (1191) p.738). The definition of "gift" has been modified to permit the spouse of a public official to receive food or travel expenses from a person with an economic interest, if the official is appearing in an official capacity. Gifts from governmental bodies are not subject to the \$50.00 limit.

USING OFFICIAL POSITIONS

An official violates the code of ethics if they attempt to use their official positions in a prohibited manner. Furthermore, officials cannot use their positions to avoid financial detriment, such as paying normal and customary charges. Officials and their relatives cannot lawfully receive unsolicited pecuniary awards for professional achievement.

FAILURE TO FILE STATEMENTS

Statements of economic interest are **due quarterly on the 15th day after the end of the quarter**. Failure to file a statement can result in imposition of a civil penalty by the Government Standards and Practices Commission. Failure to file is prima facie evidence of a violation. When an official fails to file, the commission is directed to notify the official of the requirement and provide not less than 15 days for compliance. Failure to meet the Government Standards and Practices Commission's deadline can subject the official to a penalty equal to \$5.00 for each day after the deadline (up to \$1,000.00). See the Government Standards and Practices Commission's website at www.gspc.state.or.us for further details.

REMEDY FOR VIOLATION

The Government Standards and Practices Commission/Ethics Commission have the power to fine and otherwise sanction public officials. The court wrestled with the issue of whether ethical violations should result in the invalidation of an official action. The Oregon Supreme Court concluded that there are no legal bases found in Chapter 244 for invalidating a decision, if it were tainted by the existence of an actual conflict of interest.

DEFINITIONS

ACCESSORY USE/BUILDING – A use or structure associated with and incidental to the main use on the lot. Examples: Private garages, fences, decks, and tool sheds.

ADA – Americans with Disabilities Act

ANNEXATION – Annexation is the process by which additional land becomes part of a city. Annexation generally must be sought by the residents or owners of the land in the area. It also might be acceptable to the city. Through annexation, city services become available to residents previously outside of the city. (**ORS 221.111 to 222.180**)

APPEAL – The process of having a land use decision by the Planning Administrator, Planning Commission, or Hearings Officer reviewed by the City Council or County Court. In Oregon the City Council or Court decisions may be appealed to the State Land Use Board of Appeals (LUBA).

BUILDABLE LANDS – Lands in Urban and Urbanizable areas that are suitable, available and necessary for residential use. Hazard areas (steep slopes, flood plains, etc). are excluded.

CIP – Capital Improvement Plan – This is a plan that lists all the improvements that the city needs to make, and lists the financing. The Plan will also list how many years it will take before you have to implement the particular project.

CIS – City County Insurance Services

COG – Mid-Willamette Valley Council of Governments

COLA – Cost of Living Adjustment

DEVELOPMENT AGREEMENT – This is an agreement that outlines exactly what the developer needs to do in order to develop the property. The conditions listed in this agreement are agreed to by the applicant and the City.

EMINENT DOMAIN – A government's power to take private property for public uses if it pays "just compensation."

FISCAL YEAR – July 1st to June 30th

City Council Procedures

Page - 43 - of 46

Adopted by the City Council on November 11, 2008

FLAG LOT – A lot that is mostly separated from the streets by other lots but that has a long, narrow extension (the flag pole that reaches to the street).

GRANDFATHERED – Permitted to continue, despite the imposition of new laws that would otherwise prohibit the activity. A land use operating under a grandfather clause is often referred to as a nonconforming use.

GSPC – Government Standards and Practices Commission

HRB – Historic Review Board

LCDC – Land Conservation and Development Commission is the state commission that oversees land use planning throughout the state. The Department of Land Conservation and Development provides staff support to the commission and reviews city and county land use policies and laws.

LID – Local Improvement District

LOC – League of Oregon Cities

LUBA – Land Use Board of Appeals – A state board that has authority to review appeals of land use cases decided by local jurisdictions.

MAYOR-ELECT – This term refers to the new mayor coming into office, but has not yet been sworn in.

ODA – Oregon Department of Aviation

ODOT – Oregon Department of Transportation

OLCC – Oregon Liquor Control Commission

ORDINANCE – The City Council passes an Ordinance in order to set policy.

ORS – Oregon Revised Statutes

PAAM – Positive Aurora Airport Management

PERS – Public Employee Retirement System

PROPOSED BUDGET – This is would be the budget that was approved by the budget committee, which the budget is referred to the City Council for a Public Hearing Process at the June City Council Meeting.

City Council Procedures

Page - 44 - of 46

Adopted by the City Council on November 11, 2008

QUASI-JUDICIAL ACTION – A legal action that involves the application of general policies or laws to specific persons or properties. This type of action can be contrasted with legislative actions, which involve the creating of policies and laws, and with ministerial actions, which involve routine administration of clear and objective requirements.

RESOLUTION – The City Council passes a Resolution in order to set fees. For example, any time that the City wants to change the park rental fees, fees for copies, and or parking violation fees.

SDC'S – System Development Charges

SIGNERS – These are the four people who are authorized by the City Council to sign any legal documents.

STREET DEDICATION – A land owner needs to develop the land and one of the Conditions of Approval is that the Applicant must dedicate a stipulated amount of property to the City in order to widen out the street to help with the increased traffic.

TGM – Transportation Growth Management Grant

UGB – Urban Growth Boundary: An outer boundary of future urban development near the city. Land within this boundary is planned for eventual development and the provision of sewer, water, streets and other public facilities.

MISCELLANEOUS

AMENDMENTS TO COUNCIL PROCEDURES

Amendments to these rules shall be made by resolution.

ANONYMOUS COMMUNICATIONS

Anonymous and unsigned communications shall be introduced in Council meetings within reason and judgment.

SIGNATURE PAGE

The foregoing City Council Rules were adopted as amended by the City Council on the _____ day of _____, 200____ by Resolution Number _____. By signing below the City Council members affirm they have read and received a copy of these rules.

2008-2009 CITY COUNCIL:

Mayor

Date

Councilor

Date

Councilor

Date

Councilor

Date

Councilor

Date