



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, August 08, 2023 at 6:00 PM

Typically there are no public comments at work sessions, but written comments are accepted by:

- *Email recorderteam@orcify.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

CONVENE WORK SESSION AND ROLL CALL

FUTURE AGENDA ITEMS

The Commission's adopted goals and available staff resources shall be considered when recommending future agenda items. The Commission may add an item to a future agenda with consensus of the Commission.

[List](#) of Future Work Session Agenda Items

DISCUSSION ITEMS

- [1.](#) City Business License Comparative Analysis and Modifications
- [2.](#) Review of the City Commission Rules of Procedure and Commission Policies

CITY MANAGER'S REPORT

- [3.](#) Update on City Projects

COMMISSION COMMITTEE REPORTS

A. Commissioner O'Donnell

- South Fork Water Board

B. Commissioner Smith

- Clackamas Heritage Partners
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board

C. Commissioner Marl

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County I-205 Tolling Diversion Committee
- Youth Advisory Committee Liaison

D. Commissioner Mitchell

- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Clackamas County I-205 Tolling Diversion Committee (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)

E. Mayor McGriff

- Clackamas Water Environment Services Policy Committee
- Clackamas Heritage Partners (alternate)
- Downtown Oregon City Association Board
- Metro Policy Advisory Committee (MPAC)
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board
- Willamette Falls and Landings Heritage Area
- Willamette Falls Legacy Project Liaisons
- Youth Advisory Committee Liaison
- Willamette Falls Local Authority

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on

Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY
Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 08/08/2023

SUBJECT:

List of Future Work Session Agenda Items

BACKGROUND:

September 6, 2023 (Tentative)
Willamette Falls shared use path project presentation

September 12, 2023
Clackamette Park RV Comp Plan Text Amendment
Cayuse 5 Tribute Site Design

October 10, 2023
Training – Employment Related Legal Issues

Additional Upcoming Items (These items are in no particular order)

Adding Native Land Acknowledgement to Agenda/Revised Rules of Procedure

Beavercreek Road Concept Plan (Thimble Creek) Funding Discussion

Boards and Committees Orientation Manual Review and Discussion

Canemah Area - Encroachments in the Right-of-Way Policy Discussion

City Seal Revision

Clackamas County Water Environmental Services (WES) Rate Differential

Climate Action Plan Presentation (City of Milwaukie)

Compatible Change Update

Construction Excise Tax

Ethics Training

Elections Residency Evaluation Policy

Facilities Master Plan

Frog Ferry informational update

The Cove water quality and habitat restoration opportunities

Joint work session with the City of West Linn

Metro Food Waste Program Requirements - Annual Review

McLoughlin Promenade Charter Park designation and encroachments

South Fork Water Board - Mountain Line Easements Vacation

Water System Risk and Resiliency Review

Willamette Falls Legacy Project Operations and Maintenance Discussion



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** August 8, 2023
From: Tony Konkol, City Manager

SUBJECT:

City Business License Comparative Analysis and Modifications

STAFF RECOMMENDATION:

Staff recommends the City Commission review the information and provide direction.

EXECUTIVE SUMMARY:

This staff report is submitted as information for further discussion on the topic of Oregon City's Business Licensing Program. During its work session on May 9, 2023, the City Commission held a discussion on this topic. The staff was directed to conduct research as to how other communities are applying business license requirements including for farmers' markets and events.

Eight communities were surveyed. There exists a great deal of variety in how business licensing is administered among them. They range from not having a business license program at all to a situation where all businesses and all nonprofits must have and pay for a business license.

BACKGROUND:

Business licenses are instituted primarily in the public's interest. Licensing businesses ensure that they will comply with applicable laws and ordinances in a manner which does not detract from public health, safety, and welfare.

Oregon City's Current Business License Program:

- Licensing is on a calendar year basis, Jan to Dec.
- Application fee of \$60 (new applicants only)
- The license fee (also the renewal fee) – based on number of employees, ranges from around \$240 up to \$700.
- The license fee is prorated after July each year.
- Renewal period is from December 1 through January 31

- Late fee of \$25 plus 10% of license fee for every delinquent month, charged after February 1, no cap.
- No fine for failure to obtain a business license, but some unlicensed businesses have been asked to pay for the prior application and late fees that were not obtained.
 - Example, a business that fails to renew for 3 years will be charged 3 X the license fee plus 36 months of late fees.
- Current exemptions
 - Garage sales
 - Wage and salary labor

There is no provision for a business or vendor to obtain a temporary business license (i.e., on a one or two-day basis). Whether one day or not the business is charged the regular business license fee according to the number of employees it has.

As the current regulations stand, all vendors participating under the directive of an event organizer are supposed to pay for a business license.

With regard to the farmers' market in Oregon City, there have been discussions ranging from all vendors paying a small licensing fee to only the primary organizer paying a "universal license fee" and all vendors coming under that particular license. Currently, farmers' market vendors have not been required to get business licenses.

Staff conducted a comparative analysis of business license requirements among eight communities. They included Canby, Lake Oswego, West Linn, Milwaukie, Happy Valley, Clatskanie, Tillamook, and Keizer. There exists a great deal of variety in how business licensing is administered among the eight communities. They range from not having a business license program at all to a situation where all businesses and all nonprofits must have and pay for a business license.

Fees for business licenses also vary; from Oregon City, being the most expensive business licensing program to Keizer, a community without a business licensing program.

Most communities surveyed, including Oregon City, exempt nonprofit organizations from obtaining a business license and do not require a fee.

Most communities surveyed allowed for the temporary licensing of vendors, charging a small fee in such situations for a duration per year. Oregon City does not allow for temporary licensing.

A matrix of the eight communities has been included with this staff report.

Recommendation:

Staff recommends that the Commission consider the following modifications to Oregon City's Business Licensing Program:

- Maintain the current calendar year licensing period, Jan. to Dec.
- Eliminate the \$60.00 application fee.
- Keep the current regular business license fee structure.
- Prorate the license on a monthly basis.
- Maintain the current renewal period from December 1 to January 31
- Establish a renewal license fee, 50% of the regular business license fee.
- Charge a late fee of \$25 per month beginning February 1st. with a cap of \$500.
- Farmers Market – require only the primary organizer to obtain and pay for the business license.
- Events in the public rights-of-way – require only the organizer to obtain and pay for the business license.
- Add a temporary business license category for businesses or vendors.
 - Two-week temporary license for \$50, no limit on the number of times a license is granted.
- Exemptions
 - Vendors that are under the direction of an event organizer are not required to obtain a business license.
 - Garage sales
 - Nonprofit organizations with proof of 501(C)(3) status are required to obtain a business license but there is no fee.

OPTIONS:

1. Review business license comparative analysis and suggest modifications, if any

BUDGET IMPACT:

Amount: Revenue impacts will vary depending on the program changes

FY(s):

Funding Source(s):

BUSINESS LICENSING REQUIREMENTS/STIPULATIONS IN OTHER CITIES

POPULATION	Canby (18,138)	Lake Oswego (40,411)	West Linn (27,103)	Milwaukie (20,046)	Happy Valley (25,679)	Clatskanie (1,760)
Commercial Business Licenses	All businesses are required, annually.	All businesses are required annually. 1-3 workers \$80 4-10 workers \$110 11 or more \$150	All businesses are required annually. 1-2 workers \$65 in city/\$86 outside 3-5 workers \$86 in city, \$117 outside 6-10 workers \$107 in city, \$157 outside city *Renewals- \$35	All businesses are required annually. Standard Fee \$185 New businesses- \$88 fee \$10 fee for each FTE	All businesses are required annually. \$100.00	All businesses are required, including subcontractors. Base fee \$60, 0 to 5 workers 6- 10 workers \$5/worker 11+ workers, \$2.50/worker
Cost	\$50.00					
Renewals	Regardless of # of workers or inside or outside of City limits	1-3 workers \$64 4-10 workers \$84 11 or more \$110				
Nonprofits	Exempt	Exempt	Non-exempt, no fee.	Exempt	Non-exempt, fee \$100	Exempt
Temporary Vendor Business Licenses Non-event related.	Up to 90 days, only twice annually.	License allowed only twice a year.	Annual sidewalk café permit - \$110	Up to 2 weeks or less	Peddler/Solicitor 10-day business license per year	Peddler/Solicitor
Cost of Renewals	\$150 Initial \$50 renewals	\$25 up to two weeks	Regs are silent on temporary peddler license or permit	\$30 Same fee (\$30)	\$50.00 Same fee (\$50)	\$50.00 Same fee (\$50)
Farmers' Markets	All vendors	Considered a city-sponsored event - no bus. licenses	All vendors- \$86 inside city, \$117 outside city	License required- no fees for nonprofit vendors	License required of organizer not vendors.	License required of organizer not vendors. Fee \$60
Cost	\$50.00					
Business Licenses for Events	All vendors	Licenses required for all business vendors. \$25/week, up to 2 weeks	Special permit filing fee for overall event- \$100 All vendors are required to pay	Temporary event permit – no cost Cost for city staff time with event.	Special Event Permit for organizer only \$150.00	No license required if activity is shorter than 14 days in calendar yr.
Cost	\$50.00					
Nonprofit Temporary Vendor Licenses	Nonprofit Vendors \$100 Initial \$25 renewals	If city-sponsored event, no license. \$25 for non-city sponsored events	Non-exempt, but no fee	Non-exempt, but no fee	Non-exempt, fee \$100	Exempt

BUSINESS LICENSING REQUIREMENTS/STIPULATIONS IN OTHER CITIES

POPULATION	Tillamook (5,265)	Keizer (39,157)	Oregon City- now (37,411)	Oregon City Proposed		
Commercial Business Licenses	All businesses are required, annually.	Does not require business licenses	Application Fee \$60; License Fee 1-25 workers \$178 in city, \$228 outside city; 26 - 50 workers \$286 in city, \$390 outside; 51-100 \$394 in city, \$552 outside city; 101+ \$498 inside city, \$708 outside city.	Application Fee \$0 License Fee 1-25 workers \$178 in city, \$228 outside city; 26 - 50 workers \$286 in city, \$390 outside; 51-100 \$394 in city, \$552 outside city; 101+ \$498 inside city, \$708 outside city.		
Cost	Base fee (up to 11 workers) \$100, 12-30 workers \$175. 31+ workers \$325					
Renewals	Same fee as above		Renewals same price as annual license fee	(Dec 1-Jan 31) 50% of annual license fee		
Nonprofits	Exempt		Exempt	Exempt		
Temporary Vendor Business Licenses Non-event related.	Up to 90 days only. One-third of the annual license fees		No allowance for a temporary license	No limit on the number of license approvals		
Cost Renewals				\$50 for two weeks		
Farmers' Markets	License required of organizer.		Vendors have not been required to pay	Organizer pays for license, vendors no license		
Cost	\$75					
Business Licenses for Events	Required of event organizer		Vendors have not been required to pay	Events in public ROWs only organizer pays for license.		
Cost	\$50.00					
Nonprofit Temporary Vendor Licenses	Exempt, no fees.		No allowance for a temporary license	Temporary business license/no fee		



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission **Agenda Date:** 08/08/2023
From: City Recorder Jakob Wiley and Deputy City Attorney Carrie Richter

SUBJECT:

Review of the City Commission Rules of Procedure and Commission Policies

STAFF RECOMMENDATION:

Staff recommends the City Commission review and discuss all previously established Commission Policies and the Commission's Rules of Procedure and provide feedback on the three changes outlined below.

EXECUTIVE SUMMARY:

This is the time for the City Commission to review and discuss any proposed changes to Commission Policies and the Commission's Rules of Procedure.

The three primary changes proposed include a handful of minor revisions, adding a residency evaluation process, and a restriction on serving on non-profit executive boards that receive funding from the City while serving on the City Commission.

There has also been a request to use the beeper for the timer used during the citizen comment period. The prior practice has been to allow the chair to manage the situation when a person speaks longer than allowed. The beeper would sound when the time reaches zero.

BACKGROUND:

The City Charter Chapter IV, Section 14 provides that the City Commission adopt rules for the governing of its members and proceedings. The City Commission adopted the current Rules of Procedure via Resolution No. 21-09 on February 3, 2021, which was the fifth amendment to these rules. The changes included:

- Allowing executive sessions to be preserved in other than "sound tape";
- Allowing minutes to be archived electronically;
- Removing the requirement to meet at City Hall for regular meetings; and
- Moving the consent agenda earlier in the meeting rather than at the end

Staff will be suggesting a few revisions to the current rules, including adding existing practices to the rules, inclusion of a residency evaluation process, and a policy related to participation on non-profit executive boards.

In addition to the Rules of Procedure, the City Commission has the following eight Policies, which can be reviewed and updated as needed:

- 1-1 Commission Meetings, effective date January 1999
- 1-3 Public Meetings, effective date February 1997
- 1-5 City Insurance Management Plan, effective date February 1997
- 1-9 Defense of City Officials in Proceedings not Subject to the Oregon Tort Claims Act (OTCA), effective date February 1997
- 1-11 Reimbursement of Commissioner Expenses, effective date September 1, 2010
- 1-13 Alcoholic Beverage Service in Municipal Buildings, effective date August 1998
- 1-15 Electronic Messaging Policy, effective December 7, 2011
- 1-17 Media in Executive Session, November 16, 2011
- 1-19 Proclamation Request Policy, effective April 1, 2015
- 1-21 City Manager Complaint Policy, effective January 20, 2016

These policies are up for review and discussion, please inform staff of any changes the Commission wishes to make.

Minor Revisions

Several minor revisions have been included in the attached 2023 Rules of Procedure document, which are mainly codifying existing practices for the city's public meetings:

- The Mayor may second a motion, but not make a motion
- Adding decorum requirements to the conduct section to align with citizen comment section
- Providing 5 minutes to recognized representatives of neighborhood associations during citizen comment

Addition of a Residency Evaluation Policy

Recent elections have shown a need to have an objective, consistent residency evaluation process for determining the eligibility of candidates for election. If adopted, this policy would apply to the City Commission as well as other boards and committees per the Rules of Procedure.

The Oregon City Charter, Section 13 states:

Qualifications of Officers.

No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The commission shall be the final judge of the foregoing qualifications and election of its own members.

If adopted, the election residency policy would elaborate on the final sentence in the above citation and formalize the process.

The current election process is not a written policy, but a direct application of the Charter and relevant election laws. The process used in recent elections can be summarized as follows:

1. A potential candidate or applicant completes the SEL 101 with a home address listed.
2. At the time of submission, the city requests the candidate's photo identification and compares the address with the one listed on the SEL 101 form. If they match, no further documents were required. If the addresses did not match, the applicant was asked to provide additional evidence of residency, including bills, mail, or DMV records indicating their residency at the address listed in the SEL 101 from at least 12 months ago.
 - In the most recent election, the utility billing information was internally reviewed for account addresses and the address listed on checks.
 - Further, the city requested a *continuous* record of the prior 12 months with a piece of mail from each month listing the name and address listed on the SEL 101 form.
3. After the SEL 101 form is accepted (and after payment has been processed), staff would contact Clackamas County Elections to confirm that they are registered to vote, satisfying the Oregon City Charter requirement of being a "qualified elector" in the city.
 - In the most recent election, additional information was requested from the Elections office, including the date of the voter's registration and the address associated with the voter's registration.

This is the process informally conducted by the City Recorder's Office by applying election laws and the Charter qualifications, but the City Commission may establish its own rules and procedures under the City Charter.

The residency evaluation process could take various forms, but we suggest considering the following options or a combination of the following:

- Codifying the existing process
- More restrictive options:

- Require all documentation listed above at the time of filing the SEL 101 form for all potential candidates (rather than the “if-then” sequence).
- Require commission consideration and approval of the slate of candidates prior to submission to Clackamas County Elections (direct application of Section 13 of the Charter as the “final judge”).
- Less restrictive options:
 - Only require a certain number and types of evidence (e.g., provide 3 documents in addition to a driver’s license indicating residency in Oregon City for the last 12 months)
 - Require potential candidates to sign a certification that they have resided in Oregon City for the last 12 months (an example is attached from the 1970s)

If the City Commission pursues approval of the slate of candidates prior to submission to the Elections Office, the City Commission may consider a deadline earlier than the deadline outlined in the Oregon Secretary of State’s County, City and District Candidate Manual to allow time to place the item on the agenda (e.g., the deadline shall be 7 business days prior to the last regular meeting before the Secretary of State’s filing deadline).

Eligibility Requirements and Memberships on Non-Profit Boards

Carrie Richter, Deputy City Attorney, has prepared a draft policy with various options for implementing an ethical rule for city commissioners that serve on non-profit boards. The draft policy can be found in the redlined version of the draft rules of procedure attached to this item.

OPTIONS:

1. Please review the Commission Policies and Rules of Procedure and provide staff with direction of any proposed changes to the following areas:
 - a. Use of the beeper for the citizen comment timer
 - b. The minor revisions noted as redlines in the attached draft rules of procedure
 - c. The addition of an election residency evaluation process
 - d. The addition of rules related to non-profit board membership

RECEIVED

OCT 1 1970

CITY RECORDER
CITY OF OREGON CITY

CANDIDATE FOR CITY COMMISSION

I Ronald D. Thom a candidate for City Commission of Oregon City do hereby certify that I am the owner of real property within the corporation of Oregon City for a period of two (2) years next preceeding such election; and have resided in Oregon City for one (1) year next preceeding such election.

Ronald D. Thom

Signature of candidate

111 Ella Street
Address

Oregon City, Oregon 97045
City

Subscribed and sworn to before me this 30^B day of Sept. 1970.

Jane K. Schneider

Notary Public for Oregon

My Commission expires 8-27-73

FILED

Shall Buel
CITY RECORDER

BY _____

DATE 10/1/70

THE CITY COMMISSION RULES OF PROCEDURE

Section 1 Authority and Purpose

The Charter of the City of Oregon City provides that the City Commission (“Commission”) shall adopt rules for the government of its members and proceedings. The following rules of procedure shall be in effect upon adoption by the Commission and until such time as they are amended, or new rules are adopted. For purposes of these rules, the Mayor is included in the term “Commissioner,” unless the context requires otherwise. The rules are designed to apply to all City boards, committees, and commissions where appropriate.

Section II General Rules

- A. **Meetings to be Public:** The deliberations and proceedings of the Commission shall be open to the public in accord with ORS 192 and any other applicable public meetings laws.
- B. **Quorum:** Three members of the Commission shall constitute a quorum to conduct the City’s official business at regular and special meetings. The concurrence of a majority of the members of the Commission present at a Commission meeting shall be necessary to decide any question before the Commission.
- C. **Attendance:**
1. Commissioners are expected to attend all Commission work sessions and regular meetings; however, when it is necessary for a Commissioner to be absent from any meeting of the Commission, Commissioners are expected, as a matter of courtesy, to notify either the Mayor or the City Manager of their planned absence. Commissioners not present at a meeting will be noted as absent in the meeting minutes.
 2. A Commissioner who is unavailable in person may participate in work sessions and regular meetings by conference call or other electronic means. If such participation occurs, the Commissioner shall be considered in attendance and not absent.
- D. **Compelling Attendance:** When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, the remaining Commissioners may compel attendance of the absent Commissioners in accordance with Section 15 of the City Charter.
- E. **Minutes of Meetings:**
1. Except as provided in paragraph 2 below, the Commission shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following information:
 - a. All members of the Commission present;

- b. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - c. The results of all votes and the vote of each member by name; and
 - d. A reference to any document discussed at the meeting.
2. Minutes of executive sessions shall be kept in accordance with the above four (4) points. Instead of written minutes, a record of any executive session may be kept in an audio format or other suitable recording which need not be transcribed unless otherwise provided by law.
3. The City Recorder or designee shall have the responsibility for preparing minutes, for correcting minutes to reflect Commission amendments, for retaining minutes, and for furnishing copies of the minutes to persons desiring a copy.
4. Minutes shall be prepared with sufficient detail to meet their required use. Specifically, the following requirements shall be met:
- a. Recordings shall be made at each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the validity of the written minutes. The City Recorder or designee may temporarily interrupt the Commission proceedings in the event of equipment malfunction or other case of short-term loss of recording.
 - b. If a verbal staff report is a summary of an agenda report, it may be so referenced in the minutes.
 - c. Names and, if furnished, city of residence of persons testifying shall be included in the minutes.
 - d. If a citizen's verbal testimony is a full summary of a written letter or other submission, it may be so referenced in the minutes.
 - e. All exhibits submitted, received and not excluded by the Commission during hearings and all other documents submitted shall be noted in the minutes.
 - f. Except for delay beyond the control of the City Recorder, or in the event of extraordinarily lengthy meetings, the minutes shall be prepared in final form by the next regular Commission meeting.
 - g. Minutes are public records upon composition; however, if distributed to the public before Commission approval, in any form other than as part of the Commission meeting information, "DRAFT" shall be noted on each reproduced page.
5. After being prepared in final form by the City Recorder or designee, the minutes shall be submitted to the Commission as quickly as feasible for approval by motion duly made and seconded, and approved by a majority of a quorum present. Approval of the minutes of any meeting may be undertaken individually or in conjunction with other

business items as part of approval of a motion in a consent agenda item. Members of the Commission may vote on approval of minutes whether or not they were present at the meeting.

6. The Commission may amend the minutes to reflect more accurately what transpired at a meeting. An individual Commissioner may call for additions or corrections to the minutes and unless there is disagreement from other Commissioners, the motion to approve the minutes shall include the minutes as amended. If the Commission questions the minutes or is unsure they accurately reflect what transpired during a meeting, the Commission may postpone approval of the minutes until recordings of the portion of the meeting in question can be consulted. The Commission shall be the final authority as to the amendment of the minutes.

7. When approved, the minutes shall be kept on file permanently in the City Recorder's office. Sound recordings of Commission meetings shall be retained for a minimum of twelve months, subject to the Commission ordering retention for a longer time.

8. Both written minutes and recordings shall be available for public inspection and copying during office hours. A listening device shall be available to the public for use on City premises. The City Recorder may implement additional reasonable rules and procedures to assure the preservation and orderly public review of such recordings.

F. Right of Commissioner to be Heard: Any Commissioner desiring to be heard shall be recognized by the presiding officer, but shall confine his or her remarks to the subject under consideration.

G. Addressing Staff: Commissioners at Commission meetings shall address questions through the staff person presenting the agenda item or the City Manager. All other requests for items not on the agenda must go through the City Manager.

H. Rules of Order: "Robert's Rules of Order" shall govern in all situations not specifically covered by these rules or the City Charter. The Commission has previously adopted Robert's Rules of Order. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall prevail. The City Attorney shall be the parliamentarian for the Commission.

Section III – Types of Meetings

A. Regular Meetings: Regular City Commission meetings shall be held at 7:00 p.m. on the first and third Wednesdays of each month in the City Commission Chambers or as designated on the posted agenda. All regular meetings will be adjourned no later than 10:00 p.m., unless extending until no later than 11:00 p.m. is agreed upon by the majority of Commissioners present at that meeting. When a City Commission meeting falls on a legal or national holiday, the meeting shall be held the following day or on a date fixed by the Commission for that meeting.

B. Special Meetings: The Mayor may call a special meeting of the Commission. A special meeting may also be held at the request of three members of the Commission. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission. A special meeting shall be subject to the same rules applicable for regular Commission meetings. An emergency meeting may be called by the Mayor or three

members of the Commission for a time not earlier than three or later than 48 hours after notice is given. The call for an emergency meeting shall specify the day, the hour, and the location of the meeting and shall list the subject or subjects to be considered.

C. Work Sessions: Work sessions are typically held at 6:00 p.m. on the Tuesday between the first and third Wednesdays of each month. No formal votes may be taken on work session items, although Commissioners may be polled in order to give direction to the City Manager on topics under discussion at a work session. The Commission may allow comments from the public at work sessions which will provide additional factual information, expertise or a professional opinion that will inform and educate the Commission about the work session topic. The agenda for the work session shall be prepared by the City Manager based on any of the following:

1. All items directed by the consensus of the Commission shall be listed on the agenda.
2. All items deemed appropriate by the City Manager as specified in the City Charter.
3. Business from the Commission pertaining to committee reports and other Commission business.

D. Executive Sessions: Executive sessions are governed by ORS 192.660 and are closed to the public, except that representatives of the news media (pre-approved media includes The Oregonian, OC News, and Canby Current) shall be allowed to attend most sessions. City Commissioners and staff in attendance shall not disclose to any person the content of any discussion that takes place in an executive session. The Commission may require all in attendance not to disclose executive discussions and may adopt appropriate sanctions for breach of such requirement. Executive sessions are typically held prior to or at the end of a regular or special meeting. No executive session may be held for the purpose of taking a final action or making a final decision, although the Commission may reach a consensus in executive session. Decisions must be taken by formal vote in open session to allow the public to know the result of the discussions in executive session.

E. Retreat: The Commission shall hold a retreat in January of each odd-numbered year for the purpose of setting Commission goals and priorities. City department heads may give an annual department update, addressing current and future projects for the department. Commission retreats shall be held within City limits and are subject to the open meeting and public records laws of Oregon.

Section IV – Presiding Officer and Duties

A. Presiding Officer: The Mayor shall preside over the City Commission’s deliberations. The Mayor shall have a vote on all questions before the Commission; shall have authority to preserve order, enforce the rules of the Commission, and determine the order of business under the rules of the Commission. In the absence of the Mayor, the Commission President shall perform the Mayor’s duties. In the absence of the Mayor from the city or the inability of the Mayor to act, the President of the Commission shall have and exercise the power to perform all duties of the Mayor. In the absence of the Mayor and the President, if a quorum of the Commission be present, the senior member of the Commission shall preside over the meeting as President Pro-Tem. If there is no one senior member of the Commission, Commissioners shall choose, by vote, a President Pro-Tem to preside at that meeting.

B. Call to Order: The meetings of the Commission shall be called to order and conducted by the Presiding Officer.

C. Preservation of Order: Effective governance requires that Commissioners, staff, and members of the public treat one another with dignity and respect at all times. The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of Commissioners' and citizens' motives, and confine Commissioner debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive or disruptive may be removed from the meeting. The presiding officer may summon the assistance of the police or other administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary to restore or maintain order, the presiding officer may sign a complaint on behalf of the City.

Commissioners, staff, and the public must first be recognized by the presiding officer before speaking. Any of the following shall be sufficient cause for the presiding officer or Sergeant-at-Arms to remove any person from the meeting or facility, at the direction of the presiding officer, for the duration of the meeting:

1. The use of unreasonably loud, disruptive or profane language.
2. The making of loud or disruptive noise.
3. Engaging in violent or distracting action.
4. The willful damage of furnishings or of the interior of the City Commission Chamber or meeting facility.
5. The refusal to obey any of the rules of conduct provided within this Section, including the limitations on occupancy and seating capacity.
6. The refusal to obey an order of the presiding officer or an order issued by any Commissioner which has been approved by a majority of the Commissioners present.
7. Any conduct that substantially obstructs the work or the conduct of business of the Commission.

Before the presiding officer directs removal of any person from the meeting facility for conduct described here, that person shall be given a warning by the presiding officer to cease the objectionable conduct.

If a meeting is disrupted by members of the audience, the presiding officer or a majority of the Commissioners present may order that the City Commission Chamber or facility be cleared.

D. Points of Order: The presiding officer with the advice of the City Attorney shall determine all procedures, subject to the right of any Commissioner to appeal to the Commission. If any appeal is taken, the question shall be, "Shall the action proposed by the presiding officer be sustained?"

E. Question to be Stated: The presiding officer shall ensure that all questions submitted for a vote are clearly articulated for the record and shall announce the result.

F. Substitution for Presiding Officer: The presiding officer may call upon the President of the Commission, or if absent, any other Commissioner, to preside temporarily over the meeting. Any such substitution shall not continue beyond adjournment.

Section V – Agenda and Order of Business

A. Agenda: The City Commission agenda is the official order of business at City Commission meetings. The agenda shall be a listing of subject topics to be considered by the Commission at any meeting. Items are placed on the agenda by consensus of the majority of the Commission or recommended by the City Manager. The agenda shall be delivered to Commissioners as provided in Section D(1) below, unless a special or emergency meeting is duly called, in which case delivery shall be prompt, in accordance with the circumstances.

Each agenda item typically includes a report to the Commission with background information, staff recommendations, budget impacts, and other pertinent information necessary to make a decision. There are times when reports are made orally at the City Commission meetings, and there will be no supporting materials in the packet. The City Manager shall be responsible for approving the staff recommendation on each agenda item. Commissioners are encouraged to contact the City Manager before arriving for the meeting if they have questions about an agenda item.

B. Consent Agenda: The consent agenda contains routine items that are generally not controversial and do not require further discussion. The group of items may be approved with one motion and one roll call vote. Items may include approval of the minutes, routine resolutions, easements, deeds, agreements, contracts, and other miscellaneous items. Any item or items may be removed for separate consideration at the request of any Commissioner or member of the public.

C. Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

1. Call to Order – The Mayor calls the meeting to order and roll call is taken.
2. Flag Salute.
3. Ceremonies and Proclamations.
4. Citizen Comments – This section allows members of the public to speak for three minutes near the beginning of each regular Commission meeting on any matter of interest that is not on the agenda. The comment time may be adjusted by Commission consensus. Verbally abusive or disruptive behavior or slanderous comments are not allowed.

The City Commission does not generally engage in dialog with those making comments, but may ask clarifying questions with the Presiding Officer's permission or refer the issue to the City Manager for evaluation. The City Commission requests that complaints be

initially addressed at the department level prior to the citizen addressing the City Commission.

Only those citizens who have completed a comment form and delivered it to the City Recorder will be called to speak. When called upon, speakers shall state their name and city of residence for the record. The City Recorder shall receive any written comments or other materials submitted to the Commission. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via electronic mail, 48 hours prior to the meeting. The citizen's external electronic data device will not be permitted to be used on City equipment for security purposes.

5. Presentations

6. Adoption of the Agenda – This section permits time to make additions, deletions, or changes to the current agenda, including removing an item from the consent agenda.

7. Consent Agenda – All items listed under the consent agenda are considered routine and non-controversial and will be enacted by one motion. There will be no separate discussion on these items, unless an item has been removed from the consent agenda under Adoption of the Agenda.

8. Public Hearings.

9. General Business – New items for consideration. General business also includes first and second readings of ordinances and some resolutions.

Ordinances for Introduction (First reading) – An ordinance is an act of law of the City of Oregon City or through an initiative ordinance enacted by the citizens of Oregon City through the election process. The ordinance for introduction to the City Commission, commonly called the “first reading,” is considered by the Commission and if passed, is generally moved forward to the next Commission meeting for the second reading. The Commission can decide what will constitute the first reading – whether to have the entire ordinance read into the record, or only the title of the ordinance read into the record.

Final Ordinances (Second reading) – If approved at the second reading, the ordinance is passed and becomes effective 30 days following the second reading, unless an emergency is declared, in which case the Commission may choose a different time for the ordinance to become effective, including being effective immediately.

Resolutions – Resolutions may be required to authorize expenditure of City funds beyond authorized amounts, establish new funds, authorize certain contractual arrangements on behalf of the City, call for an election, to amend or rescind an existing resolution, and a number of other municipal actions. Unlike an ordinance, a resolution is usually effective immediately and does not require a second reading or a waiting period to become effective. A resolution should be reserved for the acts of the City Commission which require a formal written record that the action has been taken, but do not necessarily require the adoption of an ordinance or law.

10. Communications –

- a. The City Manager presents his/her report at this point in the meeting.
- b. Mayor’s report and appointments by the Mayor of citizens to Boards or Commissions.
- c. Reports by Commissioners of their activities in the community.

11. Adjournment

D. Agenda Packets

1. The City Recorder or designee is responsible for compiling the agenda and supporting materials for the City Commission meetings. The City Recorder or designee shall create the agenda packet and transmit electronically to each member of the City Commission and staff the Friday before each regular Commission meeting and before each special meeting as feasible. Hard copies are available to the Commission upon request. The packet shall also be electronically posted to the City’s Website at www.orcity.org.

2. Agendas for all City Commission meetings shall be posted on the notice board in the lobby of City Hall, at the Oregon City Library, at the Pioneer Community Center, and on the City’s Website at www.orcity.org. The agendas are also sent electronically to local news media and other interested citizens.

Section VI – Committees

A. The Commission may create committees to assist in the conduct of its Charter duties with such assignments as the Commission may specify. These committees do not include staff (or hired consultant) created and terminated project advisory committees. The Mayor shall appoint, at his or her sole discretion, members to such committees to serve until the special purpose for which the committee was created has been accomplished or when the committee is abolished by the Commission. Unless otherwise provided by ordinance, all committees so created shall be advisory to the Commission and all committees shall conduct their meetings in accordance with the Public Meetings Law.

Section VII – Reconsideration of Actions Taken

A. Unless specifically governed by other provisions of the Codes, ordinances, or other regulations of the City, any Commissioner who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Commission. No additional testimony or evidence from the public shall be taken as part of reconsideration unless the record is re-opened and notice provided. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commissioners present at the meeting.

Section VIII – Use of Electronic Devices

A. It is the policy of the Commission, in keeping with the intent of the state’s open meetings law, that the use of electronic communications devices during Commission meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Commission. Use of such devices is generally permitted only at work sessions so long as the

source and the content of the information is disclosed to the public and access to the information remains courteous to guests and meeting attendees.

Any electronic communication regarding a quasi-judicial matter to be considered by the Commission is an ex parte contact, and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Commission meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Commissioners must comply with the rules and laws applicable to public records.

B. Definitions

1. As used in this section, “electronic communications devices” means laptop computers, tablets, cell phones, or other similar devices capable of transmitting or receiving messages electronically.
2. As used in this section, “electronic communications” means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Section IX – Conduct of Quasi-Judicial Land Use Hearings

A. Nature and General Conduct of Hearing

1. The Commission, when conducting an administrative, quasi-judicial land use hearing shall provide notice of the hearing to all persons entitled to notice under the codes of the City and state law. In conducting the hearing, the Commission shall provide to all entitled persons an opportunity to be heard, to present and rebut evidence to an impartial tribunal, to have the proceedings recorded, and to have a decision based on substantial evidence consistent with state law and the Oregon City Municipal Code.
2. Each person wishing to testify shall complete a comment card and provide it to the City Recorder. Speakers will proceed in the order in which their card is received. The information requested on the comment card allows the City to provide appropriate follow-up information, including notice of any decision, to persons who participate in the hearing.
3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.
4. No person shall testify without first receiving recognition from the presiding officer and stating his or her name and city of residence for the record.
5. There shall be no audience demonstrations, such as applause, cheering, display of signs or other conduct disruptive to the hearing.
6. The presiding officer, Commissioners, City Manager, City Attorney, and with the approval of the presiding officer, any other officer or employee of the City may question and cross examine any person who testifies.

7. Any person entitled to participate in a hearing may also submit written testimony in addition to or in lieu of speaking before the Commission.

8. Any person unable to attend and participate in the public hearing may submit written testimony by the noticed deadline.

9. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via e-mail, 48 hours prior to the meeting. The citizen's external electronic data device will not be permitted to be used on City equipment for security purposes.

10. Timetable for Staff Reports, Testimony, Rebuttal:

Public Hearing Process for Land Use Items:

Staff Report:

- 15 minutes for Staff report

Public Testimony:

- 15 minutes for applicant
- 5 minutes for representatives of a recognized Oregon City neighborhood association, government agency, or other incorporated public interest organization from Oregon City
- 3 minutes for any individual
- 5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

Public Hearing Process for Appeal Items:

Staff Report

- 15 minutes for Staff report

Public Testimony:

- 10 minutes for appellant
- 10 minutes for applicant
- 5 minutes for representatives of a recognized Oregon City neighborhood association, government agency, or other incorporated public interest organization from Oregon City
- 3 minutes for individuals
- 5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

B. Challenge and Disqualification of Commissioner(s)

1. With respect to any quasi-judicial action before the Commission, any proponent or opponent of a matter to be heard by the Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relating to the Commissioner's bias, prejudgment, conflict of interest or other facts from which the party has concluded that the Commissioner is unable to participate and make a decision in an impartial manner.

a. Such challenge must be made prior to the commencement of the public hearing.

- b. Such challenge shall be incorporated into the record of the hearing.
2. No Commissioner shall participate in discussion or vote on a quasi-judicial matter when:
- a. any of the following has a direct or substantial financial interest in the proposal: the Commissioner or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the Commissioner is then serving or has served within the previous two years, or any business which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
 - b. the Commissioner has a direct personal interest in the proposal; or
 - c. for any other reason, the Commissioner determines that he or she cannot participate in the hearing and decision in an impartial manner.
3. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give official opinion to the Commission on the matter without first declaring for the record the nature and extent of such interest, as required by Oregon law.
4. The general public has a right to have Commissioners free from pre-hearing or ex parte contacts on quasi-judicial matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, Commissioners shall reveal any pre-hearing or ex parte contacts with regard to any matter at any commencement of the public hearing on the matter. If such contacts have impaired the Commissioner's impartiality or ability to vote on the matter, the Commissioner shall so state and shall abstain from consideration of the matter.
5. Notwithstanding any provision of this or any other rule:
- a. an abstaining or disqualified Commissioner may be counted for purposes of forming a quorum;
 - b. a Commissioner may represent himself or herself, a client or any other member of the public at a hearing provided that the Commissioner:
 - 1. abstains from the vote on the matter;
 - 2. removes himself or herself from the Commission area and joins the audience; and
 - 3. makes full disclosure of his/her status and position at the time of addressing the Commission.

C. Presiding Officer:

- 1. The presiding officer shall have the authority to:
 - a. regulate the course and decorum of the hearing

- b. dispose of procedural requests or similar matters;
- c. rule on admissibility of exhibits and other documents into evidence, offers of proof and relevance of evidence testimony;
- d. impose reasonable limitation on the number of witnesses heard and set reasonable time limits for oral presentations, questions of various parties and rebuttal testimony; and
- e. take other such action authorized by the Commission appropriate for conduct commensurate with the nature of the hearing.

D. Order of Procedure:

The presiding officer, in conduct of the hearing shall:

1. Commence the Hearing: Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
2. In quasi-judicial matters, call for Ex Parte Contacts, Conflicts of Interest or Bias:
 - a. Inquire of the Commission whether any member wishes to abstain from participation in the hearing. Any Commissioner then announcing a decision to abstain shall identify the reason for abstaining and shall not participate in discussion of the matter or vote on the matter.
 - b. Allow any Commissioner whose participation has been challenged by an allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex parte or pre-hearing contact with proponents or opponents to make a statement in response thereto or in explanation thereof, as part of his or her decision to participate in the hearing. This statement shall not be subject to cross-examination, except upon consent of the Commissioner, but shall be subject to rebuttal by the proponent or opponent as appropriate.
3. Objections to Jurisdiction: Inquire of the audience whether there are any objections to the jurisdiction of the Commission to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the Commission lack jurisdiction or the procedural requirements of the ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission.
4. Staff Report and Recommendations: Call upon the City Manager or other City staff to provide that the nature of the matter be summarized, that any graphic or pictorial displays which are part of the record be explained, that the staff report, findings and decision of the Planning Commission or other appropriate board or agency be summarized, and provide other such information as may be requested by the Commission.

5. Applicant and Public Testimony: All testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open.
6. Applicant's Case: The applicant shall be heard first, followed by persons in favor of the proposal. If the hearing is an appeal, the applicant shall still be heard first.
7. Testimony in favor of the application. Allow supporters to be heard.
8. Testimony in opposition to the application. Allow opponents to be heard.
9. Public Agencies: Allow representatives of any city, state, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to testify.
10. Rebuttal Testimony: Allow the applicant to offer rebuttal testimony.
11. Written Communications: Facilitate distribution of written communications addressing a matter before the Commission prior to the commencement of the hearing to be considered for receiving into evidence.
12. Continuance or Close of Hearing and Deliberation by City Commission: The Commission shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, the staff, or the Planning Commission, continue the public hearing with the public record open or close the public hearing and continue for deliberations. If the decision is continued for further public testimony or deliberations to a subsequent meeting, the time and place of the subsequent meeting must then be announced. Prior to deliberation on the matter, the Commission shall conclude the hearing. If the subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings, additional public testimony shall not be allowed, except upon decision of the Commission. If additional testimony is to be accepted after the close of the public hearing, the public hearing must be reopened, and is subject to public notice requirements.

E. Record of Proceedings:

1. The City Recorder, or designee, shall prepare a record of proceedings in the manner prescribed for all City Commission meetings.
2. The City Staff, where practicable, shall receive all physical and documentary evidence presented which shall be marked to show the identity of the person offering the evidence and whether it was presented on behalf of a proponent or opponent. Unless evidence is capable of being offered and incorporated into the record, it shall not be received. In those cases, the person offering testimony must provide the City Staff with a copy of PowerPoint presentations, oversized exhibits, etc. If the testimony and documentary evidence is not physically conveyed to the City Staff, those documents shall not be deemed part of the record. All exhibits received into evidence shall be

retained by the Commission until any applicable appeal period has expired, at which time the exhibits may be released upon written request to the person identified thereon.

Section X – Amendments and Additions to Operating Procedures and Policies

- A. Unless otherwise superseded by law, any part of these operating procedures and policies may be temporarily suspended by a two-thirds vote of those members of the Commission present and voting.
- B. These operating procedures and policies may be permanently amended at any meeting at which prior notice of the proposed change is provided to each member of the Commission. A majority vote of those members of the Commission present and voting is needed to effect an amendment or an addition to these operating procedures and policies.

Approved and adopted by the City Commission March 16, 2011.

Amendments since:

- the 1st Amendment approved by Resolution No. 11-24 on November 2, 2011
- the 2nd Amendment approved by Resolution No. 14-16 on July 2, 2014
- the 3rd Amendment approved by Resolution No. 15-11 on April 1, 2015
- the 4th Amendment approved by Resolution No. 19-11 on May 1, 2019
- the 5th Amendment approved by Resolution No. 21-09 on February 3, 2021

RESOLUTION NO. 23-22

A RESOLUTION ADOPTING THE SIXTH AMENDMENT TO THE CITY COMMISSION RULES OF PROCEDURE

WHEREAS, the City Commission finds that Chapter IV Section 14 of the Charter of the City of Oregon City provides that the City Commission shall adopt rules for the government of its members and proceedings; and

WHEREAS, the City Commission finds that establishing rules of procedure governing public meetings leads to efficient and effective resolution of City business; and

WHEREAS, the original Rules of Procedure were established by Resolution No. 11-01 on March 16, 2011 and the following amendments since:

- the 1st Amendment approved by Resolution No. 11-24 on November 2, 2011
- the 2nd Amendment approved by Resolution No. 14-16 on July 2, 2014
- the 3rd Amendment approved by Resolution No. 15-11 on April 1, 2015
- the 4th Amendment approved by Resolution No. 19-10 on May 1, 2019;
- the 5th Amendment approved by Resolution No. 21-09 on February 3, 2021; and

WHEREAS, the City Commission desires to further amend the Rules of Procedure.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City Commission approves the changes to the City Commission Rules of Procedure shown as redline edits in Exhibit A and adopts the clean version of the Rules of Procedure as the fifth amendment in Exhibit B.

Section 1. This resolution shall become effective upon adoption.

Approved and adopted at a regular meeting of the City Commission held on the 16th day of August 2023.

DENYSE C. MCGRUFF, Mayor

Attested to this 16th day of August 2023:

Approved as to legal sufficiency:

Jakob S. Wiley, City Recorder

City Attorney

Attachments:

Exhibit A – Redlined version of the changes to the Rules of Procedure

Exhibit B – Clean version of the revised Rules of Procedure

THE CITY COMMISSION RULES OF PROCEDURE

Section 1 Authority and Purpose

The Charter of the City of Oregon City provides that the City Commission ("Commission") shall adopt rules for the government of its members and proceedings. The following rules of procedure shall be in effect upon adoption by the Commission and until such time as they are amended, or new rules are adopted. For purposes of these rules, the Mayor is included in the term "Commissioner," unless the context requires otherwise. The rules are designed to apply to all City boards, committees, and commissions where appropriate.

Section II General Rules

- A. Meetings to be Public: The deliberations and proceedings of the Commission shall be open to the public in accord with ORS 192 and any other applicable public meetings laws.
- B. Quorum: Three members of the Commission shall constitute a quorum to conduct the City's official business at regular and special meetings. The concurrence of a majority of the members of the Commission present at a Commission meeting shall be necessary to decide any question before the Commission.
- C. Attendance:
1. Commissioners are expected to attend all Commission work sessions and regular meetings; however, when it is necessary for a Commissioner to be absent from any meeting of the Commission, Commissioners are expected, as a matter of courtesy, to notify either the Mayor or the City Manager of their planned absence. Commissioners not present at a meeting will be noted as absent in the meeting minutes.
 2. A Commissioner who is unavailable in person may participate in work sessions and regular meetings by conference call or other electronic means. If such participation occurs, the Commissioner shall be considered in attendance and not absent.
- D. Compelling Attendance: When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, the remaining Commissioners may compel attendance of the absent Commissioners in accordance with Section 15 of the City Charter.
- E. Conflict of Interest: In addition to complying with all conflict of interest obligations set forth in state law, when a matter that affects the interests of any non-profit 501c3 comes before the Commission, any Commissioner who is a voting member of the board of that non-profit shall declare their role in the non-profit 501-c3 and recuse themselves from any further discussion or decision related to that matter.
- ~~F.~~ Minutes of Meetings:
1. Except as provided in paragraph 2 below, the Commission shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes must

give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following information:

- a. All members of the Commission present;
- b. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c. The results of all votes and the vote of each member by name; and
- d. A reference to any document discussed at the meeting.

2. Minutes of executive sessions shall be kept in accordance with the above four (4) points. Instead of written minutes, a record of any executive session may be kept in an audio format or other suitable recording which need not be transcribed unless otherwise provided by law.

3. The City Recorder or designee shall have the responsibility for preparing minutes, for correcting minutes to reflect Commission amendments, for retaining minutes, and for furnishing copies of the minutes to persons desiring a copy.

4. Minutes shall be prepared with sufficient detail to meet their required use. Specifically, the following requirements shall be met:

- a. Recordings shall be made at each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the validity of the written minutes. The City Recorder or designee may temporarily interrupt the Commission proceedings in the event of equipment malfunction or other case of short-term loss of recording.
- b. If a verbal staff report is a summary of an agenda report, it may be so referenced in the minutes.
- c. Names and, if furnished, city of residence of persons testifying shall be included in the minutes.
- d. If a citizen's verbal testimony is a full summary of a written letter or other submission, it may be so referenced in the minutes.
- e. All exhibits submitted, received and not excluded by the Commission during hearings and all other documents submitted shall be noted in the minutes.
- f. Except for delay beyond the control of the City Recorder, or in the event of extraordinarily lengthy meetings, the minutes shall be prepared in final form by the next regular Commission meeting.
- g. Minutes are public records upon composition; however, if distributed to the public before Commission approval, in any form other than as part of the

Commission meeting information, "DRAFT" shall be noted on each reproduced page.

5. After being prepared in final form by the City Recorder or designee, the minutes shall be submitted to the Commission as quickly as feasible for approval by motion duly made and seconded, and approved by a majority of a quorum present. Approval of the minutes of any meeting may be undertaken individually or in conjunction with other business items as part of approval of a motion in a consent agenda item. Members of the Commission may vote on approval of minutes whether or not they were present at the meeting.

6. The Commission may amend the minutes to reflect more accurately what transpired at a meeting. An individual Commissioner may call for additions or corrections to the minutes and unless there is disagreement from other Commissioners, the motion to approve the minutes shall include the minutes as amended. If the Commission questions the minutes or is unsure they accurately reflect what transpired during a meeting, the Commission may postpone approval of the minutes until recordings of the portion of the meeting in question can be consulted. The Commission shall be the final authority as to the amendment of the minutes.

7. When approved, the minutes shall be kept on file permanently in the City Recorder's office. Sound recordings of Commission meetings shall be retained for a minimum of twelve months, subject to the Commission ordering retention for a longer time.

8. Both written minutes and recordings shall be available for public inspection and copying during office hours. A listening device shall be available to the public for use on City premises. The City Recorder may implement additional reasonable rules and procedures to assure the preservation and orderly public review of such recordings.

GF. Right of Commissioner to be Heard: Any Commissioner desiring to be heard shall be recognized by the presiding officer, but shall confine his or her remarks to the subject under consideration.

HG. Addressing Staff: Commissioners at Commission meetings shall address questions through the staff person presenting the agenda item or the City Manager. All other requests for items not on the agenda must go through the City Manager.

IH. Rules of Order: "Robert's Rules of Order" shall govern in all situations not specifically covered by these rules or the City Charter. The Commission has previously adopted Robert's Rules of Order. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall prevail. The City Attorney shall be the parliamentarian for the Commission.

Section III – Types of Meetings

A. Regular Meetings: Regular City Commission meetings shall be held at 7:00 p.m. on the first and third Wednesdays of each month in the City Commission Chambers or as designated on the posted agenda. All regular meetings will be adjourned no later than 10:00 p.m., unless extending until no later than 11:00 p.m. is agreed upon by the majority of Commissioners present at that meeting. When a City Commission meeting falls on a legal or national holiday,

the meeting shall be held the following day or on a date fixed by the Commission for that meeting.

B. Special Meetings: The Mayor may call a special meeting of the Commission. A special meeting may also be held at the request of three members of the Commission. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission. A special meeting shall be subject to the same rules applicable for regular Commission meetings. An emergency meeting may be called by the Mayor or three members of the Commission for a time not earlier than three or later than 48 hours after notice is given. The call for an emergency meeting shall specify the day, the hour, and the location of the meeting and shall list the subject or subjects to be considered.

C. Work Sessions: Work sessions are typically held at 6:00 p.m. on the Tuesday between the first and third Wednesdays of each month. No formal votes may be taken on work session items, although Commissioners may be polled in order to give direction to the City Manager on topics under discussion at a work session. The Commission may allow comments from the public at work sessions which will provide additional factual information, expertise or a professional opinion that will inform and educate the Commission about the work session topic. The agenda for the work session shall be prepared by the City Manager based on any of the following:

1. All items directed by the consensus of the Commission shall be listed on the agenda.
2. All items deemed appropriate by the City Manager as specified in the City Charter.
3. Business from the Commission pertaining to committee reports and other Commission business.

D. Executive Sessions: Executive sessions are governed by ORS 192.660 and are closed to the public, except that representatives of the news media (pre-approved media includes The Oregonian, OC News, and Canby Current) shall be allowed to attend most sessions. City Commissioners and staff in attendance shall not disclose to any person the content of any discussion that takes place in an executive session. The Commission may require all in attendance not to disclose executive discussions and may adopt appropriate sanctions for breach of such requirement. Executive sessions are typically held prior to or at the end of a regular or special meeting. No executive session may be held for the purpose of taking a final action or making a final decision, although the Commission may reach a consensus in executive session. Decisions must be taken by formal vote in open session to allow the public to know the result of the discussions in executive session.

E. Retreat: The Commission shall hold a retreat in January of each odd-numbered year for the purpose of setting Commission goals and priorities. City department heads may give an annual department update, addressing current and future projects for the department. Commission retreats shall be held within City limits and are subject to the open meeting and public records laws of Oregon.

Section IV – Presiding Officer and Duties

A. Presiding Officer: The Mayor shall preside over the City Commission's deliberations. The Mayor shall have a vote on all questions before the Commission; shall have authority to

preserve order, enforce the rules of the Commission, and determine the order of business under the rules of the Commission. In the absence of the Mayor, the Commission President shall perform the Mayor's duties. In the absence of the Mayor from the city or the inability of the Mayor to act, the President of the Commission shall have and exercise the power to perform all duties of the Mayor. In the absence of the Mayor and the President, if a quorum of the Commission be present, the senior member of the Commission shall preside over the meeting as President Pro-Tem. If there is no one senior member of the Commission, Commissioners shall choose, by vote, a President Pro-Tem to preside at that meeting.

B. Motions: The Presiding Officer may not make a motion on any given item, but may second a motion on an item.

CB. Call to Order: The meetings of the Commission shall be called to order and conducted by the Presiding Officer.

DC. Preservation of Order: Effective governance requires that Commissioners, staff, and members of the public treat one another with dignity and respect at all times. The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of Commissioners' and citizens' motives, and confine Commissioner debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive or disruptive may be removed from the meeting. The presiding officer may summon the assistance of the police or other administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary to restore or maintain order, the presiding officer may sign a complaint on behalf of the City.

Commissioners, staff, and the public must first be recognized by the presiding officer before speaking. Any of the following shall be sufficient cause for the presiding officer or Sergeant-at-Arms to remove any person from the meeting or facility, at the direction of the presiding officer, for the duration of the meeting:

1. The use of unreasonably loud, disruptive or profane language.
2. The making of loud or disruptive noise.
3. Engaging in violent or distracting action.
4. The willful damage of furnishings or of the interior of the City Commission Chamber or meeting facility.
5. The refusal to obey any of the rules of conduct provided within this Section, including the limitations on occupancy and seating capacity.
6. The refusal to obey an order of the presiding officer or an order issued by any Commissioner which has been approved by a majority of the Commissioners present.
7. Any conduct that substantially obstructs the work or the conduct of business of the Commission.

8. Breach the decorum of the meeting, including the use of personal attacks, insults, defamatory or slanderous statements, or attacks on any person's character.

Commented [JW1]: Adding the prohibition from the citizen comment section

Before the presiding officer directs removal of any person from the meeting facility for conduct described here, that person shall be given a warning by the presiding officer to cease the objectionable conduct.

If a meeting is disrupted by members of the audience, the presiding officer or a majority of the Commissioners present may order that the City Commission Chamber or facility be cleared.

ED. Points of Order: The presiding officer with the advice of the City Attorney shall determine all procedures, subject to the right of any Commissioner to appeal to the Commission. If any appeal is taken, the question shall be, "Shall the action proposed by the presiding officer be sustained?"

FE. Question to be Stated: The presiding officer shall ensure that all questions submitted for a vote are clearly articulated for the record and shall announce the result.

GF. Substitution for Presiding Officer: The presiding officer may call upon the President of the Commission, or if absent, any other Commissioner, to preside temporarily over the meeting. Any such substitution shall not continue beyond adjournment.

Section V – Agenda and Order of Business

A. **Agenda:** The City Commission agenda is the official order of business at City Commission meetings. The agenda shall be a listing of subject topics to be considered by the Commission at any meeting. Items are placed on the agenda by consensus of the majority of the Commission or recommended by the City Manager. The agenda shall be delivered to Commissioners as provided in Section D(1) below, unless a special or emergency meeting is duly called, in which case delivery shall be prompt, in accordance with the circumstances.

Each agenda item typically includes a report to the Commission with background information, staff recommendations, budget impacts, and other pertinent information necessary to make a decision. There are times when reports are made orally at the City Commission meetings, and there will be no supporting materials in the packet. The City Manager shall be responsible for approving the staff recommendation on each agenda item. Commissioners are encouraged to contact the City Manager before arriving for the meeting if they have questions about an agenda item.

B. **Consent Agenda:** The consent agenda contains routine items that are generally not controversial and do not require further discussion. The group of items may be approved with one motion and one roll call vote. Items may include approval of the minutes, routine resolutions, easements, deeds, agreements, contracts, and other miscellaneous items. Any item or items may be removed for separate consideration at the request of any Commissioner or member of the public.

C. **Order of Business:** The general rule as to the order of business in regular meetings shall be as follows:

1. Call to Order – The Mayor calls the meeting to order and roll call is taken.
2. Flag Salute.

3. Ceremonies and Proclamations.

4. Citizen Comments – This section allows members of the public to speak for three minutes near the beginning of each regular Commission meeting on any matter of interest that is not on the agenda. Representatives of recognized neighborhood associations that communicate that they are speaking as a neighborhood representative may speak for five minutes during the citizen comment section. The comment time may be adjusted by Commission consensus. Verbally abusive or disruptive behavior, defamatory statements, or slanderous comments are not allowed. ~~Verbally abusive or disruptive behavior or slanderous comments are not allowed.~~

The City Commission does not generally engage in dialog with those making comments, but may ask clarifying questions with the Presiding Officer's permission or refer the issue to the City Manager for evaluation. The City Commission requests that complaints be initially addressed at the department level prior to the citizen addressing the City Commission.

Only those citizens who have completed a comment form and delivered it to the City Recorder will be called to speak. When called upon, speakers shall state their name and city of residence for the record. The City Recorder shall receive any written comments or other materials submitted to the Commission. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via electronic mail, 48 hours prior to the meeting. The citizen's external electronic data device will not be permitted to be used on City equipment for security purposes.

5. Presentations

6. Adoption of the Agenda – This section permits time to make additions, deletions, or changes to the current agenda, including removing an item from the consent agenda.

7. Consent Agenda – All items listed under the consent agenda are considered routine and non-controversial and will be enacted by one motion. There will be no separate discussion on these items, unless an item has been removed from the consent agenda under Adoption of the Agenda.

8. Public Hearings.

9. General Business – New items for consideration. General business also includes first and second readings of ordinances and some resolutions.

Ordinances for Introduction (First reading) – An ordinance is an act of law of the City of Oregon City or through an initiative ordinance enacted by the citizens of Oregon City through the election process. The ordinance for introduction to the City Commission, commonly called the “first reading,” is considered by the Commission and if passed, is generally moved forward to the next Commission meeting for the second reading. The Commission can decide what will constitute the first reading – whether to have the entire ordinance read into the record, or only the title of the ordinance read into the record.

Final Ordinances (Second reading) – If approved at the second reading, the ordinance is passed and becomes effective 30 days following the second reading, unless an

emergency is declared, in which case the Commission may choose a different time for the ordinance to become effective, including being effective immediately.

Resolutions – Resolutions may be required to authorize expenditure of City funds beyond authorized amounts, establish new funds, authorize certain contractual arrangements on behalf of the City, call for an election, to amend or rescind an existing resolution, and a number of other municipal actions. Unlike an ordinance, a resolution is usually effective immediately and does not require a second reading or a waiting period to become effective. A resolution should be reserved for the acts of the City Commission which require a formal written record that the action has been taken, but do not necessarily require the adoption of an ordinance or law.

- 10. Communications –
 - a. The City Manager presents his/her report at this point in the meeting.
 - b. Mayor’s report and appointments by the Mayor of citizens to Boards or Commissions.
 - c. Reports by Commissioners of their activities in the community.

11. Adjournment

D. Agenda Packets

1. The City Recorder or designee is responsible for compiling the agenda and supporting materials for the City Commission meetings. The City Recorder or designee shall create the agenda packet and transmit electronically to each member of the City Commission and staff the Friday before each regular Commission meeting and before each special meeting as feasible. Hard copies are available to the Commission upon request. The packet shall also be electronically posted to the City’s Website at www.orcity.org.

2. Agendas for all City Commission meetings shall be posted on the notice board in the lobby of City Hall, at the Oregon City Library, at the Pioneer Community Center, and on the City’s Website at www.orcity.org. The agendas are also sent electronically to local news media and other interested citizens.

Section VI – Commission Involvement with Committees and Non-Profit Organizations

A. ~~A.~~ The Commission may create committees to assist in the conduct of its Charter duties with such assignments as the Commission may specify. These committees do not include staff (or hired consultant) created and terminated project advisory committees. The Mayor shall appoint, at his or her sole discretion, members to such committees to serve until the special purpose for which the committee was created has been accomplished or when the committee is abolished by the Commission. Unless otherwise provided by ordinance, all committees so created shall be advisory to the Commission and all committees shall conduct their meetings in accordance with the Public Meetings Law.

B. ~~To facilitate the exchange of information between the City Commission, its advisory bodies and committees, or non-profit 501c3-recongized organizations who may receive financial assistance from the City, Commissioners are free to serve as liaison to these entities.~~

Commissioners shall respect the separation between policy making on behalf of the City Commission and advisory bodies, committees or 501c3- recognized organizations by:
a. Not attempting to lobby or influence on any item under consideration;
b. Attending meetings of the liaison bodies but should avoid becoming involved in the body's discussions without first explaining their role as the Commission liaison participating on behalf of the City; and
c. Not voting at the body's meeting on any item.

Section VII – Reconsideration of Actions Taken

A. Unless specifically governed by other provisions of the Codes, ordinances, or other regulations of the City, any Commissioner who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Commission. No additional testimony or evidence from the public shall be taken as part of reconsideration unless the record is re-opened and notice provided. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commissioners present at the meeting.

Section VIII – Use of Electronic Devices

A. It is the policy of the Commission, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Commission meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Commission. Use of such devices is generally permitted only at work sessions so long as the source and the content of the information is disclosed to the public and access to the information remains courteous to guests and meeting attendees.

Any electronic communication regarding a quasi-judicial matter to be considered by the Commission is an ex parte contact, and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Commission meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Commissioners must comply with the rules and laws applicable to public records.

B. Definitions

1. As used in this section, "electronic communications devices" means laptop computers, tablets, cell phones, or other similar devices capable of transmitting or receiving messages electronically.
2. As used in this section, "electronic communications" means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Section IX – Conduct of Quasi-Judicial Land Use Hearings

A. Nature and General Conduct of Hearing

1. The Commission, when conducting an administrative, quasi-judicial land use hearing shall provide notice of the hearing to all persons entitled to notice under the codes of the City and state law. In conducting the hearing, the Commission shall provide to all entitled persons an opportunity to be heard, to present and rebut evidence to an impartial tribunal, to have the proceedings recorded, and to have a decision based on substantial evidence consistent with state law and the Oregon City Municipal Code.

2. Each person wishing to testify shall complete a comment card and provide it to the City Recorder. Speakers will proceed in the order in which their card is received. The information requested on the comment card allows the City to provide appropriate follow-up information, including notice of any decision, to persons who participate in the hearing.

3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.

4. No person shall testify without first receiving recognition from the presiding officer and stating his or her name and city of residence for the record.

5. There shall be no audience demonstrations, such as applause, cheering, display of signs or other conduct disruptive to the hearing.

6. The presiding officer, Commissioners, City Manager, City Attorney, and with the approval of the presiding officer, any other officer or employee of the City may question and cross examine any person who testifies.

7. Any person entitled to participate in a hearing may also submit written testimony in addition to or in lieu of speaking before the Commission.

8. Any person unable to attend and participate in the public hearing may submit written testimony by the noticed deadline.

9. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via e-mail, 48 hours prior to the meeting. The citizen's external electronic data device will not be permitted to be used on City equipment for security purposes.

10. Timetable for Staff Reports, Testimony, Rebuttal:

Public Hearing Process for Land Use Items:

Staff Report:

- 15 minutes for Staff report

Public Testimony:

- 15 minutes for applicant
- 5 minutes for representatives of a recognized Oregon City neighborhood association, government agency, or other incorporated public interest organization from Oregon City
- 3 minutes for any individual
- 5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

Public Hearing Process for Appeal Items:

Staff Report

- 15 minutes for Staff report

Public Testimony:

- 10 minutes for appellant
- 10 minutes for applicant
 - 5 minutes for representatives of a recognized Oregon City neighborhood association, government agency, or other incorporated public interest organization from Oregon City
 - 3 minutes for individuals
 - 5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

B. Challenge and Disqualification of Commissioner(s)

1. With respect to any quasi-judicial action before the Commission, any proponent or opponent of a matter to be heard by the Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relating to the Commissioner's bias, prejudice, conflict of interest or other facts from which the party has concluded that the Commissioner is unable to participate and make a decision in an impartial manner.

- a. Such challenge must be made prior to the commencement of the public hearing.
- b. Such challenge shall be incorporated into the record of the hearing.

2. No Commissioner shall participate in discussion or vote on a quasi-judicial matter when:

- a. any of the following has a direct or substantial financial interest in the proposal: the Commissioner or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the Commissioner is then serving or has served within the previous two years, or any business which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
- b. the Commissioner has a direct personal interest in the proposal; or
- c. for any other reason, the Commissioner determines that he or she cannot participate in the hearing and decision in an impartial manner.

3. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give official opinion to the Commission on the matter without first declaring for the record the nature and extent of such interest, as required by Oregon law.

4. The general public has a right to have Commissioners free from pre-hearing or ex parte contacts on quasi-judicial matters heard by them. It is recognized that a

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countervailing public right is free access to public officials on any matter. Therefore, Commissioners shall reveal any pre-hearing or ex parte contacts with regard to any matter at any commencement of the public hearing on the matter. If such contacts have impaired the Commissioner's impartiality or ability to vote on the matter, the Commissioner shall so state and shall abstain from consideration of the matter.

5. Notwithstanding any provision of this or any other rule:

- a. an abstaining or disqualified Commissioner may be counted for purposes of forming a quorum;
- b. a Commissioner may represent himself or herself, a client or any other member of the public at a hearing provided that the Commissioner:
 - 1. abstains from the vote on the matter;
 - 2. removes himself or herself from the Commission area and joins the audience; and
 - 3. makes full disclosure of his/her status and position at the time of addressing the Commission.

C. Presiding Officer:

- 1. The presiding officer shall have the authority to:
 - a. regulate the course and decorum of the hearing
 - b. dispose of procedural requests or similar matters;
 - c. rule on admissibility of exhibits and other documents into evidence, offers of proof and relevance of evidence testimony;
 - d. impose reasonable limitation on the number of witnesses heard and set reasonable time limits for oral presentations, questions of various parties and rebuttal testimony; and
 - e. take other such action authorized by the Commission appropriate for conduct commensurate with the nature of the hearing.

D. Order of Procedure:

The presiding officer, in conduct of the hearing shall:

- 1. Commence the Hearing: Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
- 2. In quasi-judicial matters, call for Ex Parte Contacts, Conflicts of Interest or Bias:
 - a. Inquire of the Commission whether any member wishes to abstain from participation in the hearing. Any Commissioner then announcing a decision to abstain shall identify the reason for abstaining and shall not participate in discussion of the matter or vote on the matter.

- b. Allow any Commissioner whose participation has been challenged by an allegation of bias, prejudice, personal interest, or partiality or who has been subject to significant ex parte or pre-hearing contact with proponents or opponents to make a statement in response thereto or in explanation thereof, as part of his or her decision to participate in the hearing. This statement shall not be subject to cross-examination, except upon consent of the Commissioner, but shall be subject to rebuttal by the proponent or opponent as appropriate.

3. Objections to Jurisdiction: Inquire of the audience whether there are any objections to the jurisdiction of the Commission to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the Commission lack jurisdiction or the procedural requirements of the ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission.

4. Staff Report and Recommendations: Call upon the City Manager or other City staff to provide that the nature of the matter be summarized, that any graphic or pictorial displays which are part of the record be explained, that the staff report, findings and decision of the Planning Commission or other appropriate board or agency be summarized, and provide other such information as may be requested by the Commission.

5. Applicant and Public Testimony: All testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open.

6. Applicant's Case: The applicant shall be heard first, followed by persons in favor of the proposal. If the hearing is an appeal, the applicant shall still be heard first.

7. Testimony in favor of the application. Allow supporters to be heard.

8. Testimony in opposition to the application. Allow opponents to be heard.

9. Public Agencies: Allow representatives of any city, state, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to testify.

10. Rebuttal Testimony: Allow the applicant to offer rebuttal testimony.

11. Written Communications: Facilitate distribution of written communications addressing a matter before the Commission prior to the commencement of the hearing to be considered for receiving into evidence.

12. Continuance or Close of Hearing and Deliberation by City Commission: The Commission shall either make its decision and state its findings, which may incorporate

findings proposed by the proponent, opponents, the staff, or the Planning Commission, continue the public hearing with the public record open or close the public hearing and continue for deliberations. If the decision is continued for further public testimony or deliberations to a subsequent meeting, the time and place of the subsequent meeting must then be announced. Prior to deliberation on the matter, the Commission shall conclude the hearing. If the subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings, additional public testimony shall not be allowed, except upon decision of the Commission. If additional testimony is to be accepted after the close of the public hearing, the public hearing must be reopened, and is subject to public notice requirements.

E. Record of Proceedings:

1. The City Recorder, or designee, shall prepare a record of proceedings in the manner prescribed for all City Commission meetings.

2. The City Staff, where practicable, shall receive all physical and documentary evidence presented which shall be marked to show the identity of the person offering the evidence and whether it was presented on behalf of a proponent or opponent. Unless evidence is capable of being offered and incorporated into the record, it shall not be received. In those cases, the person offering testimony must provide the City Staff with a copy of PowerPoint presentations, oversized exhibits, etc. If the testimony and documentary evidence is not physically conveyed to the City Staff, those documents shall not be deemed part of the record. All exhibits received into evidence shall be retained by the Commission until any applicable appeal period has expired, at which time the exhibits may be released upon written request to the person identified thereon.

Section X – Amendments and Additions to Operating Procedures and Policies

A. Unless otherwise superseded by law, any part of these operating procedures and policies may be temporarily suspended by a two-thirds vote of those members of the Commission present and voting.

B. These operating procedures and policies may be permanently amended at any meeting at which prior notice of the proposed change is provided to each member of the Commission. A majority vote of those members of the Commission present and voting is needed to effect an amendment or an addition to these operating procedures and policies.

Approved and adopted by the City Commission March 16, 2011.

Amendments since:

- the 1st Amendment approved by Resolution No. 11-24 on November 2, 2011
- the 2nd Amendment approved by Resolution No. 14-16 on July 2, 2014
- the 3rd Amendment approved by Resolution No. 15-11 on April 1, 2015
- the 4th Amendment approved by Resolution No. 19-11 on May 1, 2019
- the 5th Amendment approved by Resolution No. 21-09 on February 3, 2021
- [the 6th Amendment approved by Resolution No. 23-## on \[DATE\]](#)

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THE CITY COMMISSION RULES OF PROCEDURE

Section 1 Authority and Purpose

The Charter of the City of Oregon City provides that the City Commission (“Commission”) shall adopt rules for the government of its members and proceedings. The following rules of procedure shall be in effect upon adoption by the Commission and until such time as they are amended, or new rules are adopted. For purposes of these rules, the Mayor is included in the term “Commissioner,” unless the context requires otherwise. The rules are designed to apply to all City boards, committees, and commissions where appropriate.

Section II General Rules

- A. **Meetings to be Public:** The deliberations and proceedings of the Commission shall be open to the public in accord with ORS 192 and any other applicable public meetings laws.
- B. **Quorum:** Three members of the Commission shall constitute a quorum to conduct the City’s official business at regular and special meetings. The concurrence of a majority of the members of the Commission present at a Commission meeting shall be necessary to decide any question before the Commission.
- C. **Attendance:**
1. Commissioners are expected to attend all Commission work sessions and regular meetings; however, when it is necessary for a Commissioner to be absent from any meeting of the Commission, Commissioners are expected, as a matter of courtesy, to notify either the Mayor or the City Manager of their planned absence. Commissioners not present at a meeting will be noted as absent in the meeting minutes.
 2. A Commissioner who is unavailable in person may participate in work sessions and regular meetings by conference call or other electronic means. If such participation occurs, the Commissioner shall be considered in attendance and not absent.
- D. **Compelling Attendance:** When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, the remaining Commissioners may compel attendance of the absent Commissioners in accordance with Section 15 of the City Charter.
- E. **Conflict of Interest:** In addition to complying with all conflict of interest obligations set forth in state law, when a matter that affects the interests of any non-profit 501c3 comes before the Commission, any Commissioner who is a voting member of the board of that non-profit shall declare their role in the non-profit 501-c3 and recuse themselves from any further discussion or decision related to that matter.
- F. **Minutes of Meetings:**
1. Except as provided in paragraph 2 below, the Commission shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes must

give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following information:

- a. All members of the Commission present;
- b. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c. The results of all votes and the vote of each member by name; and
- d. A reference to any document discussed at the meeting.

2. Minutes of executive sessions shall be kept in accordance with the above four (4) points. Instead of written minutes, a record of any executive session may be kept in an audio format or other suitable recording which need not be transcribed unless otherwise provided by law.

3. The City Recorder or designee shall have the responsibility for preparing minutes, for correcting minutes to reflect Commission amendments, for retaining minutes, and for furnishing copies of the minutes to persons desiring a copy.

4. Minutes shall be prepared with sufficient detail to meet their required use. Specifically, the following requirements shall be met:

- a. Recordings shall be made at each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the validity of the written minutes. The City Recorder or designee may temporarily interrupt the Commission proceedings in the event of equipment malfunction or other case of short-term loss of recording.
- b. If a verbal staff report is a summary of an agenda report, it may be so referenced in the minutes.
- c. Names and, if furnished, city of residence of persons testifying shall be included in the minutes.
- d. If a citizen's verbal testimony is a full summary of a written letter or other submission, it may be so referenced in the minutes.
- e. All exhibits submitted, received and not excluded by the Commission during hearings and all other documents submitted shall be noted in the minutes.
- f. Except for delay beyond the control of the City Recorder, or in the event of extraordinarily lengthy meetings, the minutes shall be prepared in final form by the next regular Commission meeting.
- g. Minutes are public records upon composition; however, if distributed to the public before Commission approval, in any form other than as part of the

Commission meeting information, "DRAFT" shall be noted on each reproduced page.

5. After being prepared in final form by the City Recorder or designee, the minutes shall be submitted to the Commission as quickly as feasible for approval by motion duly made and seconded, and approved by a majority of a quorum present. Approval of the minutes of any meeting may be undertaken individually or in conjunction with other business items as part of approval of a motion in a consent agenda item. Members of the Commission may vote on approval of minutes whether or not they were present at the meeting.

6. The Commission may amend the minutes to reflect more accurately what transpired at a meeting. An individual Commissioner may call for additions or corrections to the minutes and unless there is disagreement from other Commissioners, the motion to approve the minutes shall include the minutes as amended. If the Commission questions the minutes or is unsure they accurately reflect what transpired during a meeting, the Commission may postpone approval of the minutes until recordings of the portion of the meeting in question can be consulted. The Commission shall be the final authority as to the amendment of the minutes.

7. When approved, the minutes shall be kept on file permanently in the City Recorder's office. Sound recordings of Commission meetings shall be retained for a minimum of twelve months, subject to the Commission ordering retention for a longer time.

8. Both written minutes and recordings shall be available for public inspection and copying during office hours. A listening device shall be available to the public for use on City premises. The City Recorder may implement additional reasonable rules and procedures to assure the preservation and orderly public review of such recordings.

G. Right of Commissioner to be Heard: Any Commissioner desiring to be heard shall be recognized by the presiding officer, but shall confine his or her remarks to the subject under consideration.

H. Addressing Staff: Commissioners at Commission meetings shall address questions through the staff person presenting the agenda item or the City Manager. All other requests for items not on the agenda must go through the City Manager.

I. Rules of Order: "Robert's Rules of Order" shall govern in all situations not specifically covered by these rules or the City Charter. The Commission has previously adopted Robert's Rules of Order. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall prevail. The City Attorney shall be the parliamentarian for the Commission.

Section III – Types of Meetings

A. Regular Meetings: Regular City Commission meetings shall be held at 7:00 p.m. on the first and third Wednesdays of each month in the City Commission Chambers or as designated on the posted agenda. All regular meetings will be adjourned no later than 10:00 p.m., unless extending until no later than 11:00 p.m. is agreed upon by the majority of Commissioners present at that meeting. When a City Commission meeting falls on a legal or national holiday,

the meeting shall be held the following day or on a date fixed by the Commission for that meeting.

B. Special Meetings: The Mayor may call a special meeting of the Commission. A special meeting may also be held at the request of three members of the Commission. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission. A special meeting shall be subject to the same rules applicable for regular Commission meetings. An emergency meeting may be called by the Mayor or three members of the Commission for a time not earlier than three or later than 48 hours after notice is given. The call for an emergency meeting shall specify the day, the hour, and the location of the meeting and shall list the subject or subjects to be considered.

C. Work Sessions: Work sessions are typically held at 6:00 p.m. on the Tuesday between the first and third Wednesdays of each month. No formal votes may be taken on work session items, although Commissioners may be polled in order to give direction to the City Manager on topics under discussion at a work session. The Commission may allow comments from the public at work sessions which will provide additional factual information, expertise or a professional opinion that will inform and educate the Commission about the work session topic. The agenda for the work session shall be prepared by the City Manager based on any of the following:

1. All items directed by the consensus of the Commission shall be listed on the agenda.
2. All items deemed appropriate by the City Manager as specified in the City Charter.
3. Business from the Commission pertaining to committee reports and other Commission business.

D. Executive Sessions: Executive sessions are governed by ORS 192.660 and are closed to the public, except that representatives of the news media (pre-approved media includes The Oregonian, OC News, and Canby Current) shall be allowed to attend most sessions. City Commissioners and staff in attendance shall not disclose to any person the content of any discussion that takes place in an executive session. The Commission may require all in attendance not to disclose executive discussions and may adopt appropriate sanctions for breach of such requirement. Executive sessions are typically held prior to or at the end of a regular or special meeting. No executive session may be held for the purpose of taking a final action or making a final decision, although the Commission may reach a consensus in executive session. Decisions must be taken by formal vote in open session to allow the public to know the result of the discussions in executive session.

E. Retreat: The Commission shall hold a retreat in January of each odd-numbered year for the purpose of setting Commission goals and priorities. City department heads may give an annual department update, addressing current and future projects for the department. Commission retreats shall be held within City limits and are subject to the open meeting and public records laws of Oregon.

Section IV – Presiding Officer and Duties

A. Presiding Officer: The Mayor shall preside over the City Commission’s deliberations. The Mayor shall have a vote on all questions before the Commission; shall have authority to

preserve order, enforce the rules of the Commission, and determine the order of business under the rules of the Commission. In the absence of the Mayor, the Commission President shall perform the Mayor's duties. In the absence of the Mayor from the city or the inability of the Mayor to act, the President of the Commission shall have and exercise the power to perform all duties of the Mayor. In the absence of the Mayor and the President, if a quorum of the Commission be present, the senior member of the Commission shall preside over the meeting as President Pro-Tem. If there is no one senior member of the Commission, Commissioners shall choose, by vote, a President Pro-Tem to preside at that meeting.

B. **Motions:** The Presiding Officer may not make a motion on any given item, but may second a motion on an item.

C. **Call to Order:** The meetings of the Commission shall be called to order and conducted by the Presiding Officer.

D. **Preservation of Order:** Effective governance requires that Commissioners, staff, and members of the public treat one another with dignity and respect at all times. The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of Commissioners' and citizens' motives, and confine Commissioner debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive or disruptive may be removed from the meeting. The presiding officer may summon the assistance of the police or other administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary to restore or maintain order, the presiding officer may sign a complaint on behalf of the City.

Commissioners, staff, and the public must first be recognized by the presiding officer before speaking. Any of the following shall be sufficient cause for the presiding officer or Sergeant-at-Arms to remove any person from the meeting or facility, at the direction of the presiding officer, for the duration of the meeting:

1. The use of unreasonably loud, disruptive or profane language.
2. The making of loud or disruptive noise.
3. Engaging in violent or distracting action.
4. The willful damage of furnishings or of the interior of the City Commission Chamber or meeting facility.
5. The refusal to obey any of the rules of conduct provided within this Section, including the limitations on occupancy and seating capacity.
6. The refusal to obey an order of the presiding officer or an order issued by any Commissioner which has been approved by a majority of the Commissioners present.
7. Any conduct that substantially obstructs the work or the conduct of business of the Commission.
8. Breach the decorum of the meeting, including the use of personal attacks, insults, defamatory or slanderous statements, or attacks on any person's character.

Before the presiding officer directs removal of any person from the meeting facility for conduct described here, that person shall be given a warning by the presiding officer to cease the objectionable conduct.

If a meeting is disrupted by members of the audience, the presiding officer or a majority of the Commissioners present may order that the City Commission Chamber or facility be cleared.

E. Points of Order: The presiding officer with the advice of the City Attorney shall determine all procedures, subject to the right of any Commissioner to appeal to the Commission. If any appeal is taken, the question shall be, "Shall the action proposed by the presiding officer be sustained?"

F. Question to be Stated: The presiding officer shall ensure that all questions submitted for a vote are clearly articulated for the record and shall announce the result.

G. Substitution for Presiding Officer: The presiding officer may call upon the President of the Commission, or if absent, any other Commissioner, to preside temporarily over the meeting. Any such substitution shall not continue beyond adjournment.

Section V – Agenda and Order of Business

A. Agenda: The City Commission agenda is the official order of business at City Commission meetings. The agenda shall be a listing of subject topics to be considered by the Commission at any meeting. Items are placed on the agenda by consensus of the majority of the Commission or recommended by the City Manager. The agenda shall be delivered to Commissioners as provided in Section D(1) below, unless a special or emergency meeting is duly called, in which case delivery shall be prompt, in accordance with the circumstances.

Each agenda item typically includes a report to the Commission with background information, staff recommendations, budget impacts, and other pertinent information necessary to make a decision. There are times when reports are made orally at the City Commission meetings, and there will be no supporting materials in the packet. The City Manager shall be responsible for approving the staff recommendation on each agenda item. Commissioners are encouraged to contact the City Manager before arriving for the meeting if they have questions about an agenda item.

B. Consent Agenda: The consent agenda contains routine items that are generally not controversial and do not require further discussion. The group of items may be approved with one motion and one roll call vote. Items may include approval of the minutes, routine resolutions, easements, deeds, agreements, contracts, and other miscellaneous items. Any item or items may be removed for separate consideration at the request of any Commissioner or member of the public.

C. Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

1. Call to Order – The Mayor calls the meeting to order and roll call is taken.
2. Flag Salute.

3. Ceremonies and Proclamations.

4. Citizen Comments – This section allows members of the public to speak for three minutes near the beginning of each regular Commission meeting on any matter of interest that is not on the agenda. Representatives of recognized neighborhood associations that communicate that they are speaking as a neighborhood representative may speak for five minutes during the citizen comment section. The comment time may be adjusted by Commission consensus. Verbally abusive or disruptive behavior, defamatory statements, or slanderous comments are not allowed.

The City Commission does not generally engage in dialog with those making comments, but may ask clarifying questions with the Presiding Officer's permission or refer the issue to the City Manager for evaluation. The City Commission requests that complaints be initially addressed at the department level prior to the citizen addressing the City Commission.

Only those citizens who have completed a comment form and delivered it to the City Recorder will be called to speak. When called upon, speakers shall state their name and city of residence for the record. The City Recorder shall receive any written comments or other materials submitted to the Commission. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via electronic mail, 48 hours prior to the meeting. The citizen's external electronic data device will not be permitted to be used on City equipment for security purposes.

5. Presentations

6. Adoption of the Agenda – This section permits time to make additions, deletions, or changes to the current agenda, including removing an item from the consent agenda.

7. Consent Agenda – All items listed under the consent agenda are considered routine and non-controversial and will be enacted by one motion. There will be no separate discussion on these items, unless an item has been removed from the consent agenda under Adoption of the Agenda.

8. Public Hearings.

9. General Business – New items for consideration. General business also includes first and second readings of ordinances and some resolutions.

Ordinances for Introduction (First reading) – An ordinance is an act of law of the City of Oregon City or through an initiative ordinance enacted by the citizens of Oregon City through the election process. The ordinance for introduction to the City Commission, commonly called the “first reading,” is considered by the Commission and if passed, is generally moved forward to the next Commission meeting for the second reading. The Commission can decide what will constitute the first reading – whether to have the entire ordinance read into the record, or only the title of the ordinance read into the record.

Final Ordinances (Second reading) – If approved at the second reading, the ordinance is passed and becomes effective 30 days following the second reading, unless an

emergency is declared, in which case the Commission may choose a different time for the ordinance to become effective, including being effective immediately.

Resolutions – Resolutions may be required to authorize expenditure of City funds beyond authorized amounts, establish new funds, authorize certain contractual arrangements on behalf of the City, call for an election, to amend or rescind an existing resolution, and a number of other municipal actions. Unlike an ordinance, a resolution is usually effective immediately and does not require a second reading or a waiting period to become effective. A resolution should be reserved for the acts of the City Commission which require a formal written record that the action has been taken, but do not necessarily require the adoption of an ordinance or law.

10. Communications –

- a. The City Manager presents his/her report at this point in the meeting.
- b. Mayor's report and appointments by the Mayor of citizens to Boards or Commissions.
- c. Reports by Commissioners of their activities in the community.

11. Adjournment

D. Agenda Packets

1. The City Recorder or designee is responsible for compiling the agenda and supporting materials for the City Commission meetings. The City Recorder or designee shall create the agenda packet and transmit electronically to each member of the City Commission and staff the Friday before each regular Commission meeting and before each special meeting as feasible. Hard copies are available to the Commission upon request. The packet shall also be electronically posted to the City's Website at www.orcity.org.
2. Agendas for all City Commission meetings shall be posted on the notice board in the lobby of City Hall, at the Oregon City Library, at the Pioneer Community Center, and on the City's Website at www.orcity.org. The agendas are also sent electronically to local news media and other interested citizens.

Section VI – Commission Involvement with Committees and Non-Profit Organizations

- A. The Commission may create committees to assist in the conduct of its Charter duties with such assignments as the Commission may specify. These committees do not include staff (or hired consultant) created and terminated project advisory committees. The Mayor shall appoint, at his or her sole discretion, members to such committees to serve until the special purpose for which the committee was created has been accomplished or when the committee is abolished by the Commission. Unless otherwise provided by ordinance, all committees so created shall be advisory to the Commission and all committees shall conduct their meetings in accordance with the Public Meetings Law.
- B. To facilitate the exchange of information between the City Commission, its advisory bodies and committees, or non-profit 501c3-recognized organizations who may receive financial assistance from the City, Commissioners are free to serve as liaison to these entities.

Commissioners shall respect the separation between policy making on behalf of the City Commission and advisory bodies, committees or 501c3- recognized organizations by:

- a. Not attempting to lobby or influence on any item under consideration;
- b. Attending meetings of the liaison bodies but should avoid becoming involved in the body's discussions without first explaining their role as the Commission liaison participating on behalf of the City; and
- c. Not voting at the body's meeting on any item.

Section VII – Reconsideration of Actions Taken

A. Unless specifically governed by other provisions of the Codes, ordinances, or other regulations of the City, any Commissioner who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Commission. No additional testimony or evidence from the public shall be taken as part of reconsideration unless the record is re-opened and notice provided. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commissioners present at the meeting.

Section VIII – Use of Electronic Devices

A. It is the policy of the Commission, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Commission meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Commission. Use of such devices is generally permitted only at work sessions so long as the source and the content of the information is disclosed to the public and access to the information remains courteous to guests and meeting attendees.

Any electronic communication regarding a quasi-judicial matter to be considered by the Commission is an ex parte contact, and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Commission meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Commissioners must comply with the rules and laws applicable to public records.

B. Definitions

1. As used in this section, "electronic communications devices" means laptop computers, tablets, cell phones, or other similar devices capable of transmitting or receiving messages electronically.
2. As used in this section, "electronic communications" means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Section IX – Conduct of Quasi-Judicial Land Use Hearings

A. Nature and General Conduct of Hearing

1. The Commission, when conducting an administrative, quasi-judicial land use hearing shall provide notice of the hearing to all persons entitled to notice under the codes of the City and state law. In conducting the hearing, the Commission shall provide to all entitled persons an opportunity to be heard, to present and rebut evidence to an impartial tribunal, to have the proceedings recorded, and to have a decision based on substantial evidence consistent with state law and the Oregon City Municipal Code.

2. Each person wishing to testify shall complete a comment card and provide it to the City Recorder. Speakers will proceed in the order in which their card is received. The information requested on the comment card allows the City to provide appropriate follow-up information, including notice of any decision, to persons who participate in the hearing.

3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.

4. No person shall testify without first receiving recognition from the presiding officer and stating his or her name and city of residence for the record.

5. There shall be no audience demonstrations, such as applause, cheering, display of signs or other conduct disruptive to the hearing.

6. The presiding officer, Commissioners, City Manager, City Attorney, and with the approval of the presiding officer, any other officer or employee of the City may question and cross examine any person who testifies.

7. Any person entitled to participate in a hearing may also submit written testimony in addition to or in lieu of speaking before the Commission.

8. Any person unable to attend and participate in the public hearing may submit written testimony by the noticed deadline.

9. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via e-mail, 48 hours prior to the meeting. The citizen's external electronic data device will not be permitted to be used on City equipment for security purposes.

10. Timetable for Staff Reports, Testimony, Rebuttal:

Public Hearing Process for Land Use Items:

Staff Report:

- 15 minutes for Staff report

Public Testimony:

- 15 minutes for applicant
- 5 minutes for representatives of a recognized Oregon City neighborhood association, government agency, or other incorporated public interest organization from Oregon City
- 3 minutes for any individual
- 5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

Public Hearing Process for Appeal Items:

Staff Report

- 15 minutes for Staff report

Public Testimony:

- 10 minutes for appellant
- 10 minutes for applicant
- 5 minutes for representatives of a recognized Oregon City neighborhood association, government agency, or other incorporated public interest organization from Oregon City
- 3 minutes for individuals
- 5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

B. Challenge and Disqualification of Commissioner(s)

1. With respect to any quasi-judicial action before the Commission, any proponent or opponent of a matter to be heard by the Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relating to the Commissioner's bias, prejudgment, conflict of interest or other facts from which the party has concluded that the Commissioner is unable to participate and make a decision in an impartial manner.

- Such challenge must be made prior to the commencement of the public hearing.
- Such challenge shall be incorporated into the record of the hearing.

2. No Commissioner shall participate in discussion or vote on a quasi-judicial matter when:

- any of the following has a direct or substantial financial interest in the proposal: the Commissioner or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the Commissioner is then serving or has served within the previous two years, or any business which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;
- the Commissioner has a direct personal interest in the proposal; or
- for any other reason, the Commissioner determines that he or she cannot participate in the hearing and decision in an impartial manner.

3. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give official opinion to the Commission on the matter without first declaring for the record the nature and extent of such interest, as required by Oregon law.

4. The general public has a right to have Commissioners free from pre-hearing or ex parte contacts on quasi-judicial matters heard by them. It is recognized that a

countervailing public right is free access to public officials on any matter. Therefore, Commissioners shall reveal any pre-hearing or ex parte contacts with regard to any matter at any commencement of the public hearing on the matter. If such contacts have impaired the Commissioner's impartiality or ability to vote on the matter, the Commissioner shall so state and shall abstain from consideration of the matter.

5. Notwithstanding any provision of this or any other rule:

- a. an abstaining or disqualified Commissioner may be counted for purposes of forming a quorum;
- b. a Commissioner may represent himself or herself, a client or any other member of the public at a hearing provided that the Commissioner:
 1. abstains from the vote on the matter;
 2. removes himself or herself from the Commission area and joins the audience; and
 3. makes full disclosure of his/her status and position at the time of addressing the Commission.

C. Presiding Officer:

1. The presiding officer shall have the authority to:
 - a. regulate the course and decorum of the hearing
 - b. dispose of procedural requests or similar matters;
 - c. rule on admissibility of exhibits and other documents into evidence, offers of proof and relevance of evidence testimony;
 - d. impose reasonable limitation on the number of witnesses heard and set reasonable time limits for oral presentations, questions of various parties and rebuttal testimony; and
 - e. take other such action authorized by the Commission appropriate for conduct commensurate with the nature of the hearing.

D. Order of Procedure:

The presiding officer, in conduct of the hearing shall:

1. Commence the Hearing: Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
2. In quasi-judicial matters, call for Ex Parte Contacts, Conflicts of Interest or Bias:
 - a. Inquire of the Commission whether any member wishes to abstain from participation in the hearing. Any Commissioner then announcing a decision to abstain shall identify the reason for abstaining and shall not participate in discussion of the matter or vote on the matter.

- b. Allow any Commissioner whose participation has been challenged by an allegation of bias, prejudice, personal interest, or partiality or who has been subject to significant ex parte or pre-hearing contact with proponents or opponents to make a statement in response thereto or in explanation thereof, as part of his or her decision to participate in the hearing. This statement shall not be subject to cross-examination, except upon consent of the Commissioner, but shall be subject to rebuttal by the proponent or opponent as appropriate.
3. **Objections to Jurisdiction:** Inquire of the audience whether there are any objections to the jurisdiction of the Commission to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the Commission lack jurisdiction or the procedural requirements of the ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission.
4. **Staff Report and Recommendations:** Call upon the City Manager or other City staff to provide that the nature of the matter be summarized, that any graphic or pictorial displays which are part of the record be explained, that the staff report, findings and decision of the Planning Commission or other appropriate board or agency be summarized, and provide other such information as may be requested by the Commission.
5. **Applicant and Public Testimony:** All testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open.
6. **Applicant's Case:** The applicant shall be heard first, followed by persons in favor of the proposal. If the hearing is an appeal, the applicant shall still be heard first.
7. **Testimony in favor of the application.** Allow supporters to be heard.
8. **Testimony in opposition to the application.** Allow opponents to be heard.
9. **Public Agencies:** Allow representatives of any city, state, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to testify.
10. **Rebuttal Testimony:** Allow the applicant to offer rebuttal testimony.
11. **Written Communications:** Facilitate distribution of written communications addressing a matter before the Commission prior to the commencement of the hearing to be considered for receiving into evidence.
12. **Continuance or Close of Hearing and Deliberation by City Commission:** The Commission shall either make its decision and state its findings, which may incorporate

findings proposed by the proponent, opponents, the staff, or the Planning Commission, continue the public hearing with the public record open or close the public hearing and continue for deliberations. If the decision is continued for further public testimony or deliberations to a subsequent meeting, the time and place of the subsequent meeting must then be announced. Prior to deliberation on the matter, the Commission shall conclude the hearing. If the subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings, additional public testimony shall not be allowed, except upon decision of the Commission. If additional testimony is to be accepted after the close of the public hearing, the public hearing must be reopened, and is subject to public notice requirements.

E. Record of Proceedings:

1. The City Recorder, or designee, shall prepare a record of proceedings in the manner prescribed for all City Commission meetings.
2. The City Staff, where practicable, shall receive all physical and documentary evidence presented which shall be marked to show the identity of the person offering the evidence and whether it was presented on behalf of a proponent or opponent. Unless evidence is capable of being offered and incorporated into the record, it shall not be received. In those cases, the person offering testimony must provide the City Staff with a copy of PowerPoint presentations, oversized exhibits, etc. If the testimony and documentary evidence is not physically conveyed to the City Staff, those documents shall not be deemed part of the record. All exhibits received into evidence shall be retained by the Commission until any applicable appeal period has expired, at which time the exhibits may be released upon written request to the person identified thereon.

Section X – Amendments and Additions to Operating Procedures and Policies

- A. Unless otherwise superseded by law, any part of these operating procedures and policies may be temporarily suspended by a two-thirds vote of those members of the Commission present and voting.
- B. These operating procedures and policies may be permanently amended at any meeting at which prior notice of the proposed change is provided to each member of the Commission. A majority vote of those members of the Commission present and voting is needed to effect an amendment or an addition to these operating procedures and policies.

Approved and adopted by the City Commission March 16, 2011.

Amendments since:

- the 1st Amendment approved by Resolution No. 11-24 on November 2, 2011
- the 2nd Amendment approved by Resolution No. 14-16 on July 2, 2014
- the 3rd Amendment approved by Resolution No. 15-11 on April 1, 2015
- the 4th Amendment approved by Resolution No. 19-11 on May 1, 2019
- the 5th Amendment approved by Resolution No. 21-09 on February 3, 2021
- the 6th Amendment approved by Resolution No. 23-## on [DATE]

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City Commission Policies
City of Oregon City

Policy Number	Title	Effective Date
1-1	Commission Meetings	January 1999 Revised 6/5/2019
1-3	Public Meetings	February 1997 Revised 12/6/2017 Revised 6/5/2019
1-5	City Insurance Management Plan	February 1997
1-9	Defense of City Officials in Proceedings not Subject to the Oregon Tort Claims Act (OTCA)	February 1997
1-11	Reimbursement of Commissioner Expenses	September 1, 2010
1-13	Alcoholic Beverage Service in Municipal Buildings	August 1998
1-15	Electronic Messaging Policy	December 7, 2011 Revised 1/16/2019
1-17	Media in Executive Session	November 16, 2011
1-19	Proclamation Request Policy	April 1, 2015
1-21	City Manager Complaint Policy	January 20, 2016



Commission Policy and Procedure

SUBJECT: Commission Meetings Policy and Procedure	EFFECTIVE DATE: June 5, 2019
POLICY NUMBER: Commission Policy 1-1	REVIEWED: Adopted January 20, 1999 Revised June 5, 2019

1.0 PURPOSE

- 1.1 The purpose of this policy is to establish guidelines for agenda preparation, scheduling, attendance and rules of order for Commission meetings.

2.0 APPLICABILITY

- 2.1 The policy applies to all elected officials, administrative personnel and citizens.

3.0 IN GENERAL

- 3.1 It is the responsibility of the City Manager to ensure that the Oregon City Commission meeting guidelines are met before, during and after each meeting of the City Commission.

4.0 OREGON CITY COMMISSION MEETING GUIDELINES

- 4.1 Commission Meetings. Commission meetings are conducted on the first and third Wednesday of each month beginning at 7:00 PM unless otherwise designated by the Commission. If a meeting falls on a legal holiday, then it will be held on the following day.

- 4.2 Rules of Procedure. The rules of procedure governing Commission meetings shall be the latest revised edition of Robert's Rules of Order.

- 4.3 Length of Commission Meetings. The number of items to be included on the agenda for Commission meetings is left to the discretion of the City Manager. Since it is the desire of the Commission that no meetings exceed two (2) hours in length, the City Manager may adjust the number of items on the agenda accordingly.

- 4.4 Special Meetings. The Mayor upon his/her own motion may, or at the request of three (3) members of the Commission shall, by giving notice to all members of the Commission then in the City, call a special meeting of the Commission for a time no earlier than three (3) nor later than forty-eight (48) hours after the notice is given. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission.

4.5 Quorum. A majority of members of the Commission shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

4.6 Records of Proceedings. The City Commission shall cause a record of its proceedings to be kept. The ayes and nays upon any question before it, shall be taken and entered in the record.

4.7 Proceedings to be Public. No action by the Commission shall have legal effect unless the motion for the action and vote by which it is disposed of take place at proceedings open to the public.

4.8 The Mayor's Function. The Mayor shall be chair of the Commission and preside over its deliberations. He/she shall have a vote on all questions before the Commission. He/she shall have authority to preserve order, enforce the rules of the Commission and determine the order of business under the rules of the Commission.

4.9 Commission Packets. Commission packets containing the agenda and relevant staff reports will be delivered to the Mayor and Commission the Friday prior to each City Commission meeting date.

4.10 Agenda Preparation. It is the responsibility of the City Recorder to prepare the City Commission meeting agenda, organize the agenda and staff reports into packets and arrange delivery of the packets to the Mayor and Commission members.

4.11 Agenda Items. Items for the Commission meeting agenda may be placed on the agenda by any of the following methods:

- 4.11.1. By the City Commission through consensus of a majority of members to the City Manager.
- 4.11.2. By City staff through reports reviewed by the City Manager.
- 4.11.3. By the City Manager or Department Directors.
- 4.11.4. By citizens through consensus of a majority of Commission members either through vocal or written requests to include background of the issue to be addressed, the resolution wanted and funding required to gain resolution.
- 4.11.5. By City staff to boards/commissions and committees through reports submitted to the City Manager.
- 4.11.6. By the City's legal counsel through communication submitted to the City Manager.

4.12 Staff Reports. Staff reports submitted to the City Recorder by department directors for agenda items must be concise and clear and include all the facts and background information necessary for the Commission to make a decision.

It is the responsibility of the department directors to submit to the City Recorder, their staff reports and agenda materials throughout the week prior to the Commission meeting but no later than 12:00 Noon on Thursday of that week.

It is the responsibility of the City Manager to review and sign each staff report and return them to the City Recorder to process for the Commission packets.

4.13 Commission Meeting Attendance. Department directors having items on a Commission meeting agenda must attend that meeting. Other department directors may attend at their option. The City Manager will attend all City Commission meetings, unless excused.

4.14 Commission Meeting Follow-Up. All City Commission requests must be followed up in a timely and efficient manner pursuant to Administrative Policy 2-5: Administrative Response to City Commission Requests.



Commission Policy and Procedure

SUBJECT: Public Meetings Policy and Procedure	EFFECTIVE DATE: June 5, 2019
POLICY NUMBER: Commission Policy 1-3	REVIEWED: Adopted March 5, 1997 Revised December 6, 2017 Revised June 5, 2019

1.0 PURPOSE

- 1.1 The purpose of this policy is to provide guidelines for public meetings according to ORS 192.610 to 192.690.

2.0 APPLICABILITY

- 2.1 This policy applies to the City Commission, all city boards, commissions, and committees that serve at the pleasure of the City Commission, and any other body that requires a quorum in order to make a decision.

3.0 IN GENERAL

- 3.1 The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of the City of Oregon City that decisions of its governing bodies be arrived at openly according to ORS 192.610 to 192.690.

4.0 DEFINITIONS

- 4.1 Decision. A decision means any determination, action, vote, or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.
- 4.2 Executive Session. An executive session is any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.
- 4.3 Governing Body. A governing body means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

- 4.4 Public Body. A public body is the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.
- 4.5 Meeting. A meeting is the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. A meeting does not include any on-site inspection of any project or program. A meeting also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

5.0 PUBLIC MEETING GUIDELINES

- 5.1 Open Meetings. All meetings of a governing body of a public body must be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

No quorum of governing body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

All regular meetings will be adjourned no later than 10:00 p.m. unless extending the meeting until no later than 11:00 p.m. is agreed upon by the majority of the governing body present at the meeting.

All regular meetings of the City Commission, Planning Commission, and Historic Review Board should begin at 7:00 p.m.

- 5.2 Meeting Location. Meetings of a governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction; or at the administrative headquarters of the public body; or at the nearest practical location.

A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

- 5.3 Public Notice. The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

5.3.1 If an *executive session only* (according to 192.660) will be held, the notice

shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

5.3.2 No *special or emergency meeting* shall be held without at least twenty-four (24) hours notice to the members of the governing body, the news media which have requested notice and the general public. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances but the minutes for such a meeting shall describe the emergency justifying less than twenty-four (24) hours notice.

5.4 Meeting Minutes. The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting.

A minimum of action minutes shall be provided and include at least the following information:

- All members of the governing body present;
- All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- The results of all votes and except for public bodies consisting of more than twenty-five (25) members unless requested by a member of that body, the vote of each member by name;
- The subject of any items discussed; and
- A reference to any document discussed at the meeting.

Minutes of *executive sessions* shall be kept in accordance with the above five (5) points. Instead of written minutes, a record of any executive session may be kept in the form of a sound video tape or digital recording which need not be transcribed unless otherwise provided by law. Material, the disclosure of which is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, may be excluded from disclosure. However, excluded materials are authorized to be examined privately by court in any legal action and the court shall determine their admissibility. Any violation of these public meeting guidelines shall be subject to enforcement proceedings as specified in ORS 192.680 and 192.685.

COMMISSION POLICY 1-5

Adopted March 5, 1997

CITY INSURANCE MANAGEMENT PLAN

PURPOSE

The purpose of this policy is to establish fair and consistent insurance coverage for the City of Oregon City.

APPLICABILITY

This policy applies to the City Commission.

IN GENERAL

In the changing market place it is necessary to continually manage/organize the City's insurance portfolio. The end result of this management process should be cost effective insurance coverage provided at the lowest possible cost. Recognizing the challenge the City shall appoint an Agent of Record to manage its insurance programs in a timely, efficient and cost effective manner.

- A. **Appointment.** The City Commission shall appoint an Agent of Record.
- B. **Responsibility of Agent of Record.** The Agent of record shall advertise in local trade magazines and any other appropriate publication that the City is receiving proposals on insurance, such as liability, fleet vehicle, fire, false arrest, boiler and any other type of insurance. The Agent of Record shall then make recommendations to the Commission on the proposed type and amount of insurance. These recommendations shall be in the form of a written report showing comparative analysis of the potential providers (including evidential findings). The City Commission shall make the final decision regarding vendor choice.
- C. **Length of Appointment.** The City Commission reserves the right to change the Agent of record every three (3) to five (5) years.

COMMISSION POLICY 1-9

Adopted March 5, 1997

DEFENSE OF CITY OFFICIALS IN PROCEEDINGS NOT SUBJECT TO THE OREGON TORT CLAIMS ACT ("OCTA")

PURPOSE

It is in the public interest of the City of Oregon City that elected officers, members of official City boards, commission and committees, all City employees, and City agents be free of the fear of personal financial hardship resulting from having to defend claims and charges (other than "true" crimes punishable by imprisonment) which are beyond the scope of the OCTA and which arise out of the good faith performance of their duties. This policy is designed to be consistent with ORS 30.285 and shall be so construed.

APPLICABILITY

This policy applies to the City's elected officers (officers), members of official City boards, commissions and committees (officials), all City employees (employees), and City agents (agents).

DEFINITIONS

Malfeasance is failure to comply with ethical standards of conduct...*evildoing, ill conduct, the commission of some act which is positively unlawful, and/or the doing of an act which is wholly wrongful and unlawful.*

IN GENERAL

A. Except as otherwise provided by law, the City shall defend, save harmless and indemnify its officers, officials, employees or agents against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty.

B. In no event shall the resources of the City be committed to the defense of the City officer, official, employee, or agent unless the City Commission is satisfied that:

1. The act or omission does not constitute malfeasance in office; or
2. The act or omission does not constitute willful or wanton neglect of duty.

C. With respect to matters not covered by the OTCA, the resources of the City should not be committed to the defense of a City officer, official, employee or agent, unless the City Commission is satisfied that:

1. The act or omission of the officer, official, employee, or agent was in good faith and without malice and in course of official duties. Good faith is absent if the officer, official, employee or agent knew or reasonably should have known that the act or omission would violate a law, rule or regulation; and

2. The officer, official, employee, or agent did not act contrary to the advice of legal counsel.

D. In no event should the resources of the City be committed to the defense of a City officer, official, employee or agent charged with a crime punishable by imprisonment unless the Commission is satisfied that it is not a “true” crime in that:

1. The offense charged is based solely on the alleged negligence of the City officer, official, employee, or agent and the City officer, official, employee, or agent was not malfeasant in their position nor willfully or wantonly neglectful of official duty; or
2. It appears that the allegedly criminal act or omission was done or omitted as a conscious and good faith choice between evils in response to an emergency, or as a conscious and good faith attempt to protect persons from injury, disease, or to protect property from damage or destruction, either of which would have been likely and substantial had the City officer, official, employee, or agent not acted in the manner charged; or
3. The only basis for the charge is vicarious liability for the misconduct of a subordinate; and where the City officer, official, employee, or agent clearly did not participate in or condone the subordinate’s conduct knowing or having good reason to know it to be unlawful.

E. Ordinarily the commitment to defend a City officer, official, employee or agent will involve direct payment of defense costs as they are incurred. In any case, however, the City Commission may choose to commit only to reimbursement of validated expenses in the event the City officer, official, employee or agent is ultimately exonerated.

F. In no event will the office of the City Attorney be used to provide primary defense for a City officer, official, employee, or agent on a claim or charge outside the scope of the OTCA. The City Attorney may, however, provide information and assistance to the attorney retained to defend the case unless the City Attorney determines that such assistance would create a conflict of interest or otherwise violate the Code of Professional Responsibility governing attorneys.

G. Nothing in this policy should be construed to entitle any City officer, official, employee or agent to defense. The intent of this policy is to vest discretion with the City Commission with certain restrictions as to when defense funds may be provided. In each case the City Commission should be guided by considerations of what is in the best interest of the City of Oregon City subject to the above conditions and restrictions.

**TRAVEL AUTHORIZATION AND
REIMBURSEMENT OF CITY COMMISSIONER EXPENSES**

PURPOSE

This purpose of this policy is to establish procedures relative to business-related expenses and City-endorsed travel incurred by the City Commission members.

APPLICABILITY

This policy applies to the Mayor and City Commissioners.

IN GENERAL

A person engaged in travel for the benefit of the City has a responsibility to keep accurate, substantiated cost records, original receipts and to submit requests for reimbursement that are in accordance with this policy. The City Commission shall be entitled to reimbursement for actual and necessary business-related expenses that are not directly billed to the City to include but not limited to dinners, luncheons, breakfasts, and expenses associated with transportation and travel.

NOTE: Gifts related to reasonable travel expenses for the City Commission are exempt from the restrictions of the ethics laws if the gift is related to officially designated negotiations, economic development activity, or trade promotion or fact-finding missions or trips and the payment of expenses have been approved by the City Commission (OAR 199-005-0020).

Travel Expense Reimbursement

The City will reimburse the City Commission for reasonable business travel expenses incurred while on a trip related to official City business.

Travel in the interest of the City can usually be anticipated and is a regularly budgeted item. For travel to be approved, funds must be available in the Commission's budget. In those instances where budgeted funds in this appropriation are inadequate, a formal budget adjustment must be requested.

Travel by City Commission members does not require prior approval by the City Manager.

The traveler must complete Part A of the Travel Authorization form (anticipated expenses) prior to travel which provides a record of the travel and offers a per diem check in advance. The form is submitted to the City Manager's Office at least two weeks prior to the proposed travel date. Accounts payable will review budget appropriations and, if in order, will cut the per diem check.

In emergency situations, when the Travel Authorization form cannot be submitted two weeks in advance, the Travel Report is submitted with a memo describing the emergency.

Advancing money for travel does not constitute approval of spending the entire advance; only actual and necessary expenditures will qualify for reimbursement. An advance cannot be obtained if a previous advance has not cleared repayment or a new Travel Report form for actual expenses has not been received

Part B of the Travel Authorization form (actual expenses) must be completed following the travel listing actual expenses.

TRAVEL EXPENSES

A. **Transportation.**

1. Air Travel. Air travel will be considered a standard cost for reimbursement purposes. First class air passage will not be considered. Air travel shall be utilized only when the cost is a savings over mileage expense and other expenses incurred when traveling by car.

Travel arrangement should be made as far in advance as possible to take advantage of the most economical rate.

2. Personal Vehicle. Mileage will be reimbursed when a Commissioner's personal vehicle is used for City business, except mileage will not be reimbursed for travel to and from regularly scheduled Commission meetings requiring the attendance of all Commissioners. Mileage shall be reimbursed at the current IRS rate. Commissioners traveling by personal automobile on City business are required to carry, at the Commissioner's expense, public liability and property damage insurance at the minimum required by law.
3. Travel in City Vehicles. Travel in City owned vehicles might be approved under certain circumstances. When traveling in a City vehicle, receipts for gas, oil and other supplies purchased enroute will be required. The cost of gas, oil, etc. for the City vehicle should be entered under "Other" in the "Transportation" section on the Travel Authorization form.
4. Taxi, Shuttles and Rental Cars. Taxi expenses are considered reimbursable expenses when shuttle services do not effectively meet the needs of travel. Shuttle service available through the airport and/or conference is encouraged when available. A rental car may be permitted when it is in the best interest of the City.
5. Parking. The City will reimburse a business related parking expense. On trips of more than one (1) day duration, long-term economy parking must be used. An original parking receipt will be required for reimbursement.

- B. **Lodging.** All business-related lodging expenses will be reimbursed following the domestic per diem rates established by the US General Services Administration for the travel destination. Accommodations should be appropriate for the purpose of the trip. Receipts for all lodging costs shall be obtained. If members of the family accompany the Commissioner, the reimbursable lodging cost shall be that of a single room. When requested, most hotels and motels will furnish a receipt for a single room when a double room is used but desire reimbursement for a single room. If such an arrangement cannot be made, the price of a single should be noted on the receipt for actual lodging costs. If the room is not shared with another City employee, the single room rate must be available in the supporting documents included with the Travel Authorization form.

The final hotel bill must reflect that the bill has been paid in full (either showing a zero balance or accompanied with a credit card receipt). This must be an itemized statement indicating daily room charges, meals (without room service charges), telephone calls, etc., if applicable.

- C. **Meals.** All business-related expenses for meals, including tips, will be reimbursed following the domestic per diem rates established by the US General Services Administration. Receipts must be attached to Part B of the Travel Authorization form.

Original receipts must be submitted to be reimbursed for actual costs or expenses exceeding the per-diem rate schedule. If original receipts are not available, meal expenses will automatically be reimbursed on a per-diem basis.

D. **Other Miscellaneous Travel Expenses.**

1. Phone and Fax Charges: Expenses incurred for phone and fax charges will be allowed only when necessary for City business.
2. Registration Fees: Fees for meeting or convention registration will be paid in advance by the City. To request advance payment for registration fees, complete the tuition section of Part A of the Travel Authorization form
3. Tips: Expense for tips should be included with the transportation, lodging and meal expenses. Gratuities are not reimbursable individually.
4. Alcoholic Beverages: Expenditures for alcoholic beverages are not reimbursable.

E. **Direct Pay Expenses.** Expenses that can be directly paid by the City such as airfare and conference registration fees should be arranged in advance with the City Manager or designee.

REIMBURSEMENT OF TRAVEL EXPENSES

To apply for reimbursement, complete Part B of the Travel Authorization form **within 60 days** of the trip with actual expenditures totaled, original receipts attached, and signature of person requesting reimbursement. Submit the form to the City Manager's Office, who is responsible for reviewing the request for proper documentation and reasonableness of expenses.

After review, the Travel Authorization form will be submitted to Accounts Payable for processing.

If any portion of the travel advance is unspent, the unspent portion must be repaid when the Travel Authorization form is submitted. The Accounts Payable staff is responsible for following up on delinquent travel advances.

A representative of the City is expected to use good judgment in the nature of expenses incurred in traveling. Expenses for family members who accompany a City Commissioner on a trip are not reimbursable. The expense report should be prepared to reflect only the actual and necessary expenses related to the person authorized to make the trip and the level of expenses in all categories must be appropriate and reasonable.

Other Expense Reimbursement

General business expenses will be considered for reimbursement that are required for the performance of Commissioner duties. Examples of expenses not reimbursed are meals with constituents, meals with other commissioners, or other activities where there was an alternative to avoiding the expense.

At the end of each month, Commissioners shall itemize all other non-travel expenses that are not directly paid by the City on a Commission Expense Statement. The statement shall be forwarded to the City Manager's Office within seven (7) days following the last day of each month. The City Manager will approve and authorize reimbursement for the Commission Expense Statements which meet these guidelines and that do not exceed the budgeted amount for Commissioner expenses. Expenses which exceed these amounts shall be forwarded to the City Commission for approval and reimbursement authorization. All approved expenses will be forwarded to the Finance Department for reimbursement.

CITY OF OREGON CITY
TRAVEL AUTHORIZATION MANAGEMENT - Commission Policy 1-11

Date: _____ Name: _____ Vendor #: _____
Dates of Travel: _____ Charge to (Account No.): _____
Destination & Purpose of Trip: _____ Department: _____

Please fill out part A, submit to City Manager's Office. Attach documentation
travel (i.e. Conference brochure/flyer, etc.). Also provide copies to be mailed to 3rd parties, (i.e. registration forms, claim forms for hotels, etc.).
The yellow and pink copies will be returned to you with any advance travel monies. Retain those copies and complete part B with
receipts of any non per diem type expenses such as hotel, rental car, air fare, etc.

PART A - Anticipated Expenses (Prior to travel)

Transportation

Mileage: _____ miles x _____ (current IRS rate) = \$ _____

Airfare Charged to City visa? Y or N \$ _____

Other (specify) _____ \$ _____

Total Transportation \$ _____

Lodging \$ _____ x days _____ =

Total Lodging \$ _____

Charged to City visa? Y or N PPD w/ Claim Form? Y or N

Meals (1st and last day of travel meals are paid at 75% of per diem rate)

First Day 1 x Rate _____ x 75% _____ = \$ _____

Full Days ____ x Rate _____ x 100% _____ = \$ _____

Last Day 1 x Rate _____ x 75% _____ = \$ _____

Less meals included in tuition/training \$ - _____

Total Meals \$ _____

Tuition/Reg/Fees _____

Total Tuition/Reg \$ _____

Charged to City visa? Y or N PPD w/ Claim Form? Y or N

TOTAL ANTICIPATED EXPENSES \$ _____

ADVANCE REQUESTED BY TRAVELER \$ _____

SIGNATURES:

Traveler _____

City Manager _____

Finance Director _____

PART B - Actual Expenses (After travel)

Actual Expenses to be filled out
upon travelers return. Please
attach copies of receipts.

Transportation \$ _____

Lodging \$ _____

Meals \$ _____

Tuition/Registration/Fees \$ _____

Other \$ _____

TOTAL ACTUAL EXPENSES \$ _____

LESS ADVANCE PAID TO TRAVELER and PREPAID EXP \$ - _____

DUE TO TRAVELER \$ _____

REFUNDED TO CITY \$ _____

SIGNATURES/APPROVALS:

Traveler _____

City Manager _____

Finance Director _____

COMMISSION POLICY 1-13

Adopted August 19, 1998

ALCOHOLIC BEVERAGE SERVICE IN MUNICIPAL BUILDINGS

PURPOSE

The purpose of this policy is to establish regulations for lessees who want to serve alcoholic beverages including, but not limited to beer, wine and champagne (hereinafter "alcoholic beverages"), in municipal buildings.

APPLICABILITY

This policy applies to municipal buildings that are leased for wedding receptions, retirement functions, class reunions, and all similar events where alcoholic beverages will be served.

IN GENERAL

It is the responsibility of the Community Activity Director or designee to coordinate the rental of municipal buildings and the implementation of this policy.

It is the City's responsibility to minimize City liability related to the rental of municipal buildings for private use when alcoholic beverages will be served.

It is the lessee's responsibility to safeguard the safety and health of Oregon City residents and others when the lessee allows alcoholic beverages to be served in leased municipal buildings.

Any lessee who serves alcoholic beverages in a municipal building shall ensure all state and local laws are complied with by serving the alcoholic beverages and by those consuming the alcoholic beverages.

SPECIFIC REQUIREMENTS:

A. **TIME LIMIT.** Alcoholic beverages may be served in leased municipal buildings for period of time not to exceed four (4) hours.

B. **FOOD:** Food must be served if alcoholic beverages are being served.

C. **INSURANCE.** The lessee shall obtain, at the lessee's expenses, a \$1,000,000 liability insurance policy for bodily injury, including death and property damage. The lessee shall name the City, its officers, agents, and employees, as additional insureds on the policy. The lessee shall provide the City with a copy of the Certificate of Insurance of this effect at least seven (7) days before the lease commences. The Certificate of Insurance shall contain a clause to the effect that the City shall be notified in writing no less than seventy-two hours (72) hours in advance of the event insured if the policy is canceled or substantially modified.

D. **INDEMNITY.** The lessee shall sign an agreement with the City in which the lessee agrees to hold harmless and defend the City, its officers, agents, and employees from and against any and all claims arising out of the lessee's use of the municipal building.

E. OLCC LICENSE. In accordance with state law, if any financial compensation is going to be provided in exchange for alcoholic beverages, the lessee shall obtain a license from the Oregon Liquor Control Commission (“OLCC”). The lessee shall provide the City a copy of any such license at least seven (7) days before the lease commences.

F. OLCC PERMIT. Any person who will be serving alcoholic beverages in the leased municipal building must obtain an OLCC service permit. The lessee shall provide the City a copy of the OLCC permit at least seven (7) days before the lease commences.

G. RENTAL. The hourly rental of municipal buildings for events where alcoholic beverages will be served will be forty percent (40%) more than the hourly rental that is charged for use of a municipal building where no alcoholic beverages are served.

H. DEPOSIT. The lessee shall provide a \$500 security and damage deposit prior to the event. This deposit may be made via credit card, which will not be charged unless there is damage to the building as a result of the lessee’s use of the building.

ELECTRONIC MESSAGING POLICY

PURPOSE

The purpose of this policy is to establish acceptable usage by elected/appointed officials (including City board/committee/commission members) of electronic messaging systems, including but not limited to email, instant messaging, blogging and social media sites, such as Facebook or Twitter (sometimes collectively referred to as “electronic messaging” or “electronic messages”).

APPLICABILITY

This policy applies to the Mayor, City Commissioners, and all applicable City board/committee/commission members, which will all be referred to as “member(s)” throughout this document. Upon adoption, this policy will become part of the Commission’s Rules of Procedure. A separate policy applies to City employees.

IN GENERAL

Although the use of electronic messaging (email) and social media allows members to conduct City business efficiently, use of electronic messaging systems comes with some inherent risks. The City Commission sets forth the following policies, but reserves the right to change those policies at any time as may be appropriate or required under the circumstances or as resulting from the development of new technologies or new laws.

The City prohibits discrimination based on age, race, gender, sexual orientation, physical or mental disability, sources of income, or religious or political beliefs. Use of electronic messaging resources to harass or to discriminate for any or all of the aforementioned reasons is prohibited.

Message Ownership, Confidentiality and Public Records Retention

- All electronic messages to or from members where City business is discussed, whether on City-provided electronic messaging systems or on personal systems or web server pages are subject to disclosure through valid public records or litigation discovery requests. This includes personal email and social media accounts. It is recommended that emails pertaining to City business received on personal accounts be forwarded to the City-provided email for records retention purposes.
- Messages sent electronically can be intercepted inside or outside the agency and, as such, any expectation of confidentiality is limited. Accordingly, proprietary or confidential information should not be sent through email, instant messages or other social media sites.

- All electronic messages stored in City-provided electronic messaging systems or composed, sent, or received by members, regardless of their content, are, by law, public records of the City. This includes email that is accessed using City-provided electronic messaging resources via external Internet service providers.
- If the information transmitted by electronic messages relates to the “transaction of public business,” that information shall not be deleted or otherwise disposed of unless done in accordance with a records retention schedule set forth in Oregon City Resolution No. 09-31. Each email message or posting must be evaluated for content to determine which retention procedure to apply. Any email message deleted will be permanently deleted and non-retrievable after 90-days of date received. The City Recorder shall assist members, as requested, in making retention decisions.
- The legal “custodian” responsible for retaining electronic messages on privately-maintained electronic messaging systems will normally be either the originator of the message for outgoing messages or the receiver of the message for incoming messages. The City shall not be deemed the legal custodian of messages that are not included in City-maintained back-up files.
- When a public records request is made to the City that includes records retained by an elected/appointed member, the City Recorder shall notify the affected member(s). Under the City’s public records policy, the member has five days from the date of receipt of a request for public records, including for electronic messages, to deny, grant, deny in part, or grant in part the request. Alternatively, the member shall within five (5) business days explain why more time is needed for a full response. Failure to respond within the seven day deadline shall be deemed a denial. Expiration of this seven-day period triggers the right to initiate proceedings in circuit court to challenge the denial. The member may consult the City Recorder, and through the City Recorder the City Attorney, for advice in dealing with a request for public records. Further representation of a member shall be a determination of the City Manager or City Commission.
- The City will provided records management, including records retention, training to members expected to abide by this policy through written materials on the City’s website. It is the responsibility of each member to review and understand the materials or ask for assistance. The City Recorder’s Office is available to assist the member(s) with regard to standard retention practices.
- Electronic messages are frequently inadequate in conveying mood and context. Members should carefully consider how the recipient might interpret a message before composing or sending it.

Use of Electronic Messages and Public Meetings

- Use of email by a quorum of a public body may, in some circumstances, constitute a meeting under Oregon’s public meeting laws, even when discussions take place through one-on-one email discussions that then can be passed on to others. As such, the members are encouraged to refrain from discussing City business via electronic messages in those cases in which members are deliberating towards a decision.

City Issued Electronic Messaging

- The City provides electronic messaging resources to assist in conducting City business including issuance of an email address that is to be used while conducting City business via email and not for personal use. These limitations include but are not limited to:
 - Personal soliciting.
 - Lobbying, soliciting, recruiting, selling, or persuading for or against commercial ventures, products, religious or political causes unrelated to City business, outside organizations, or similar activities.
 - Electioneering with regard to candidacy for public office.
 - The operation of a business or for any undertaking for personal gain.
 - Use by, or on behalf of, any outside organization or third party.
- As records created by members on City messaging systems are public records, the City may intercept, monitor, review and/or disclose any and all messages composed, sent, or received on City-issued electronic resources. The interception, monitoring, and reviewing of messages may be performed with the assistance of content filtering software, or by designated agency employees and/or designated external entities. City employees designated to review messages may include, but are not limited to, the City Manager, City Recorder, and/or representatives from Human Resources, Planning, Legal, or Information Technology departments.
- The City may alter, modify, re-route, or block the delivery of messages as appropriate. This includes, but is not limited to:
 - Rejecting, quarantining, or removing the attachments and/or malicious code from messages that may pose a threat to City resources.
 - Discarding attachments, such as music, considered to be of little business value and of significant resource cost.
 - Rejecting or quarantining messages with suspicious content.
 - Re-routing messages with suspicious content to designated City employees for manual review.
 - Rejecting or quarantining messages determined to be unsolicited commercial email (spam).
 - Appending legal disclaimers to messages.

The system administrator shall keep a record of those messages altered, modified, re-routed, or blocked.

- Even though the City employs anti-virus software, virus infected messages can enter the City's messaging systems. Viruses, "worms," and other malicious code can spread quickly if appropriate precautions are not taken. Members should:
 - Be suspicious of messages sent by people not known by them.
 - Not open attachments unless they were anticipated.
 - Disable features in electronic messaging programs that automatically preview messages before opening them.

- The City considers unsolicited commercial email (spam) a nuisance and potential security threat. Members are encouraged not to attempt to remove themselves from future delivery of a message that they determine is spam. These “Remove Me” links often are used by unscrupulous mass junk emailers as a means to verify that you exist. Attempted removal will only ensure that the member will receive ever-increasing amounts of spam.
- Upon expiration of term of office, the City will deny all access to electronic messaging resources, including the ability to download, forward, print, or retrieve any message stored in the system, regardless of sender or recipient, unless requested through the public records request policy of the City.
- Internet message boards are a fertile source from which mass junk emailers harvest email addresses and email domains. Members are encouraged not to use City-provided email addresses when posting to message boards.

All members shall:

- **Check their email a minimum of twice per week including the afternoon prior to a meeting.**
- **Forward all public comments and messages relevant to a land use case(s) to the City Recorder and Community Development Director.**
- **Be responsible for disclosing any and all messages (even if not received through City-provided electronic messaging) relevant to any land use review at the next applicable meeting.**

Adopted December 7, 2011 by the City Commission.
Revised Commission Policy 1-15 Adopted at the City Commission meeting on January 16, 2019.

REGARDING MEDIA IN EXECUTIVE SESSIONS

PURPOSE

The purpose of this policy is to provide guidelines for determining what is a news media organization and who is a representative of the news media according to ORS 192.610(2) and ORS 192.660(4).

APPLICABILITY

This policy applies to all executive session meetings held by the City Commission and any other board or committee of the City.

IN GENERAL

ORS 192.610(2) provides any meeting or part of a meeting of a governing body may deliberate in closed meetings on certain matters; and ORS 192.660(4) provides that representatives of the news media shall be allowed to attend executive sessions, but that the governing body may require that specified information be undisclosed. This policy defines news media organizations and who is a representative of the news media for access into executive sessions.

DEFINITIONS

1. **Definitions.** As used in Resolution No. 11-22, the following definitions apply:
 - A. **News.** Means factual information that is about current events.
 - B. **News Media Organization.** Means an entity that is organized and operated to publish, broadcast or disseminate news to the public as determined by section 3 or 4 below.
 - C. **Representative of the News Media.** Means an employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization as determined by Section 5 below.
2. **Policy that Information be Undisclosed.** It is the Commission's policy that all information discussed or considered in executive sessions of the Commission may not be disclosed in any form, and/or to any other person so long as the information is properly within the scope of the statutory authorization of the executive session. This policy extends to all statements made in executive sessions, to all documents considered, and all other information presented or considered regardless of the format, within the proper scope of the executive sessions of the Commission. To the extent this policy may be inconsistent with Oregon law, Oregon law shall control. This policy shall apply regardless whether persons attending any particular executive session are reminded of the policy. The Commission, in its sole discretion, may make exceptions to this policy if it is in the public interest to do so, and if the majority of the members thereof vote to do so.
3. **Recognized News Media Organizations.** The following entities are hereby recognized as news media organizations without requiring further proof because they have an established history of publishing, broadcasting or disseminating news in, affecting, or about Oregon City to the public:

- A. The Oregonian
- B. Oregon City News/Clackamas Review

No other entity shall be recognized as a news media organization unless it is recognized through the process described in Section 4 below.

4. **Recognition of Other Entities.**

- A. In order to be recognized as a news media organization, an entity other than those recognized in Section 3 above must: (i) submit a written request for recognition as a new media organization to the Commission; and (ii) provide evidence that the entity is organized and operated to publish, broadcast or disseminate news to the public.
- B. It shall be the entity's burden to persuade the Commission by a preponderance of the evidence that it is organized and operated to publish, broadcast or disseminate news to the public. The entity may be a news component of a larger organization which isn't necessarily a news media organization.
- C. The Commission may consider any relevant evidence provided or gathered in making a decision whether to recognize an entity as a news media organization. The Commission shall make its determination whether to recognize the entity as a news media organization based on the following criteria:
 - (i) Regular publication, regular broadcasts or regular updates (at least once weekly) of news;
 - (ii) Publication, broadcast or website must contain a minimum of 25% news content, and include news produced by its own staff;
 - (iii) The publication, broadcast or website must not serve primarily as a platform to promote the interest and/or opinions of a special interest group, individual or cause, or as a forum to air grievances, engage in gossip, or for personal attacks or character assassination.
- D. The Commission's decision to recognize or not to recognize an entity as a news media organization is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

5. **Attendance at Executive Sessions.** Representatives of the news media are allowed to attend executive sessions, except as otherwise allowed by law. In order to determine whether someone requesting permission to attend an executive session is a representative of the news media, the following procedure shall be followed:

- A. Any person who wishes to attend an executive session must: (i) submit a written request for permission to attend an executive session to the Commission; and (ii) provide evidence that the person is an employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization.

- B. The request for permission shall be on a form provided by the Commission. The person requesting permission to attend an executive session must complete and sign the request form. The request form shall include a space for the person to indicate his or her name and the entity for which he or she is an employee, agent or contractor. The request form shall also include a space for the person to sign his or her signature certifying that he or she is gathering news for a news media organization; that the information submitted is true; and that he or she understands that it is the Commission's policy, and that he or she agrees to comply with the Commission's policy, that all information discussed or considered in executive sessions of the Commission shall not be disclosed in any form, and/or to any other person as long as it was properly within the scope of the announced statutory authorization of the executive session and as long as the media's reporting has not independently verified it.
- C. It shall be the person's burden to persuade the Commission or Commissioners by a preponderance of the evidence that he or she is an employee, agent or contractor of a news media organization engaged in the act of gathering news for a news media organization. The Commission shall make its determination whether to recognize the person as a representative of the news media based on the following criteria:
- (i) Proof, satisfactory to the Commission, that the person is associated with a recognized news media organization. Such proof can come in the form of the following:
 - Press identification - press badge or identification issued by recognized news media organization, plus proof of identity (such as a driver's license);
 - Proof of A recently published news article by a news media organization with the person's byline, or a masthead showing the person's name as a member of the editorial staff of a recognized news media organization, plus proof of identity; or
 - A letter on letterhead from an editor of a recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity (freelancers must have clippings or proof of work with a recognized news media organization within the last six months); and
 - (ii) Proof, satisfactory to the Commission, that the person is gathering news, even though the information discussed or considered in executive session may not be disclosed in any form, and/or to any other person.
- D. If the entity disclosed on the request for permission form is not recognized as a news media organization, the person shall not be allowed to attend an executive session until the entity is granted recognition.
- E. If the executive session is for the purpose of discussing current litigation or litigation likely to be filed, and the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation, the person shall not be allowed to attend the executive session. If the

Commission has reason to believe that the person has submitted false information or has previously failed to comply with the Commission's policy regarding disclosure of information properly within the scope of previous executive sessions, it may refuse permission for the person to attend the executive session.

- F. The Commission may consider any relevant evidence provided or gathered in making a decision whether a person is a representative of the news media. The Commission's decision to recognize or not to recognize a person as a representative of the news media, and/or to grant permission to attend an executive session, is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

6. **Cameras and Other Recording Devices.** Cameras, tape recorders and other recording devices may not be used in executive sessions, except the official executive session recordings made by City staff.

This policy was approved by the City Commission via Resolution No. 11-22 on November 16, 2011.

REGARDING PROCLAMATION REQUESTS

PURPOSE

The purpose of this policy is to provide guidelines for issuing proclamations.

APPLICABILITY

This policy applies to all requests received by the Mayor or City Commission and any City staff.

IN GENERAL

From time to time, the City Commission of Oregon City adopts proclamations recognizing certain events, causes, individuals, or groups. In issuing such proclamations the Commission does not wish to offend persons or groups, but the Commission wishes to recognize causes, events, persons, groups, or organizations with local implications. The Commission will consider requests that are timely, have potential relevance to a majority of Oregon City's population, and contain positive messages.

The Intent of Proclamations. It is the City's position that proclamations issued by the City Commission are not subject to a public hearing, but are the means by which the City Commission speaks on an issue.

Guidelines.

The Commission will issue proclamations only on the following subject matter, unless the Mayor requests an exception:

- A. Matters involving the operation or programs of municipal government or the provision of municipal services to the citizens and businesses in the City.
- B. Subjects that relate to components of the Oregon City Comprehensive Plan, Master Plans, or Commission goals.
- C. Requests to honor businesses that are located in the City, services or philanthropic organizations that provide a significant level of service or business in the City, and sports teams based in Oregon City upon accomplishment of noteworthy achievements, programs, or milestones.
- D. Requests to honor the life of a long-time or prominent Oregon City resident or staff member upon his or her death.
- E. Requests to honor city officials, employees, volunteers and consultants for their achievements or milestones of service.
- F. Events involving official City sponsorship or ceremonial participation.

The Commission will not issue proclamations containing the following subject matters:

- A. Requests to support or oppose candidates for public office.

- B. Requests for support, endorsement or protection of religious, spiritual or philosophical practices, groups, theories or practices.
- C. Language that includes any inflammatory, obscene or libelous statements or promotes the hatred of any person or class of persons.

Requestors must follow the listed proclamation processing requirements:

- A. Requests for proclamations shall be submitted to the City Recorder's office. Staff will send it to the Mayor for approval, then place it on a future City Commission agenda.
- B. Requests for proclamations must be submitted to the City Recorder's office no less than 30 days prior to the Commission meeting or event at which the proclamation would be issued.
- C. Requests should include draft language and background information that can be used to prepare the proclamation.
- D. National and international groups requesting proclamations must have a City sponsor.

No subordinate board, commission or committee of the City and no individual Commissioner or other official of the City may issue a proclamation without prior approval and consent of the Mayor.

This policy was adopted by the City Commission on April 1, 2015.

CHARTER EMPLOYEE COMPLAINT REPORTING PROCEDURE

PURPOSE

To establish the notification procedure for the Mayor and City Commission in the event of allegations of misconduct, harassment or illegal / unethical conduct against the City Manager or Municipal Court Judge.

APPLICABILITY

This policy applies to employees of the City of Oregon City.

REFERENCES

- A. Personnel Policy 030 – Equal Employment Opportunity and Harassment Policy
- B. Personnel Policy 410 – Standards of Conduct

PROCEEDURE

The City Manager and Municipal Court Judge are City employees appointed and serving at the pleasure of the City Commission. The City Manager and Municipal Court Judge are subject to employee Personnel Policies and Procedures. Allegations against any City employee are treated seriously, promptly investigated and resolved timely.

The reporting requirements of references A and B apply to the City Manager and the Municipal Court Judge, subject to the following modification in the procedure which shall be followed whenever a complaint against the City Manager or Municipal Court Judge is received.

Immediately upon receipt of an allegation (including any available documentation or evidence to the support the complaint) of misconduct, harassment or illegal / unethical conduct committed by the City Manager or Municipal Court Judge, or concerning which either is in any way complicit, the Human Resources Director will notify the Mayor and the City Commission immediately upon determining that the elements of the complaint are reliably ascertained. (“Reliably ascertained” means that a written complaint has been received by the Human Resources Director, or the basis of the allegations has been provided verbally to the Human Resources Director by the complainant or other source which the Human Resources Director deems sufficiently credible and specific as to be susceptible to investigation.) The official accused shall be informed of the nature of the complaint and the actions the City will take when the Human Resources Director has determined that notification is appropriate and the content of the notification. In every case, notification shall follow a determination that the allegations are not potentially criminal. If potentially criminal, then the Human Resources Director will consult with the City’s attorney, make recommendations to the Mayor and Commission and keep the Commission fully informed.

Upon receipt of a notification of charges against the City Manager or Municipal Court Judge, the Mayor will determine the need to call an Emergency Executive Session to discuss the complaint and, if an Executive Session is needed, will notify the City Recorder’s Office to make the notifications required by the Open Meetings Law. The Human Resources Director will provide the Mayor and Commission a recommended course of action relating to completing requirements of an appropriate investigation, whether the official should be placed on administrative leave with pay, and other matters appropriate for consideration and action by the Commission. The Human Resources Director shall oversee the scope of work of investigation.

This policy was adopted by the City Commission on January 20, 2016.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 08/8/2023

SUBJECT:

Update on City Projects

BACKGROUND:

The City Commission has requested that an update on the status of the following projects be provided at a work session on a monthly basis.

1. Charter Parks
Ermatinger House was approved as a Charter Park by the City Commission. The City Commission voted to not designate Dement Park as a Charter Park. The McLoughlin Promenade survey has been completed. The survey identified several potential existing encroachments into the Promenade property which will be discussed during the work session. Staff are preparing an inventory and type of encroachments that currently exist on the Promenade.
2. Cayuse 5 Memorial
City staff continues to work with The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) in the design, location, and interpretation of the Cayuse 5 memorial, which is an existing City Commission goal for 2021-2023. Staff have met regularly with representatives from both the CTUIR and the Confederated Tribes of Grand Ronde (CTGR) to discuss and review the proposed project.

CTUIR Board of Trustees and the City Commission held a meet and greet and staff continues to refine the proposed Memorial.
3. Courthouse
There has been no change in the project since the May 2023 update. City staff worked to support efforts by the Downtown Oregon City Association to apply for a Main Street grant to focus on the Courthouse located in downtown Oregon City. The grant required the property owner, which is Clackamas County, to sign the grant application, which unfortunately they did not agree to do. At this time there is no specific work being performed related to the future of the existing courthouse.

4. Tumwata Village

There has been no change in the project since the July 2023 update. Willamette Falls Trust and Portland General Electric have signed a Feasibility and Cooperation Agreement enabling the Trust to assess a portion of PGE property on the island on the west side of the Willamette Falls for a project intended to return public access to the area.

In May staff completed a 4-hour site visit with the CTGR staff and consultant team to discuss the demolition that is occurring on the site and begin to discuss the proposed amendments proposed to implement the Tumwata Village Plan for the property. The site visit and discussion focused on infrastructure, design details, development phasing, and an introduction to the goals and objectives of CTGR for the redevelopment of the property. CTGR staff and their consultants have been meeting with City staff to understand specific technical infrastructure issues.

Staff have been meeting monthly with representatives from the Confederated Tribes of Grand Ronde (CTGR) to discuss on-going site work as well as future land use and development plans for the Tumwata Village Plan. CTGR staff has been working with the CTGR Tribal Council and Tribal members to finalize the Tumwata Village Plan. Once approved, the Tumwata Village Plan will be presented to the city and the public.

5. Canemah ROW issues

There has been no change in the project since the May 2023 update. The Canemah ROW issues will be brought before the City Commission at a future work session to discuss how to move forward with this project.