



CITY OF SWEET HOME ADMINISTRATION, FINANCE AND PROPERTY COMMITTEE AGENDA

October 25, 2021, 5:00 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128, choose option #1 and enter the meeting ID to be logged in to the call. The phone lines will open 15 minutes prior to the meeting start time. Meeting ID: 577 597 137#

Call to Order

Roll Call

New Business

- a) [Committee Interviews \(pg. 2\)](#)
- b) [Council Rules Review \(pg. 4\)](#)

Adjournment



CITY MANAGER'S OFFICE

3225 Main Street
Sweet Home, OR 97386
541-367-8969 541-367-1215 FAX
Jfisher@sweethomeor.gov

BOARD/COMMITTEE/COMMISSION APPLICATION

Applicant Information (Please type/print clearly):

Name: JOSH THORSTAD

Permanent Address: [REDACTED] SWEETHOME OR 97386

Mailing Address: SAME

Contact Phone Number: [REDACTED]

E-Mail Address: JOSHNCAR48@YAHOO.COM

Preferred method of contact: ☐ Mail ☒ Phone ☒ Email

Occupation: SELF EMPLOYED Employer: SELF EMPLOYED

Please mark the Board, Commission or Committee in which you are interested in serving:

- ☒ Budget Committee ☒ Planning Commission ☐ Library Board
☐ Board of Appeals ☐ Park and Tree Committee
☐ Charter Review Committee ☐ All Hazard Mitigation Committee

Are you applying for reappointment? ☐ Yes ☒ No

If yes, how long have you served in this capacity: 0 Year(s) 0 Month(s)

- How long have you lived in the area: 2 Year(s) 11 Month(s)
- Please give a brief description of your experiences or training that you feel qualifies you for this particular position.
I OWN TWO BUSINESSES IN LINN COUNTY. I WOULD LIKE TO LEARN ABOUT CITY BUDGETS AND CITY PLANNING
- List current involvement in other community groups and/or activities.
IM VICE CHAIR OF A LOCAL PARTY
- What special contribution do you feel you can make to the group/position you are applying for?
A EXTRA MIND AND I WANT TO HELP AND TO BE MORE INVOLVED IN MY COMMUNITY.

RESIDENCY:

The following applies for appointments that require residency and elector status:

I, JOSH THORSTAD, certify that I currently reside within the corporate limits of the City of Sweet Home and am an eligible elector as defined by ORS 246.012(5). I further acknowledge that should either my residency or my eligibility as an elector change I will notify the City of Sweet Home immediately.

CRIMINAL HISTORY BACKGROUND CHECK (CCH):

A Criminal History Check (CCH) may be performed as part of the City of Sweet Home appointment process for City Boards, Committees, and Commissions. I acknowledge that a refusal to allow the CCH to be performed, when required, will cause my application to no longer be considered.

PUBLIC DISCLOSURE:

The City sometimes receives requests for contact information for members serving on City boards, commissions and committees. As an appointed public body volunteer serving the City of Sweet Home, the information provided on this application is considered public record.

My signature acknowledges that the information I have provided on the application is true and complete to the best of my knowledge and I understand that a CCH may be performed, when required, and that the information provided on this application is considered public record.



Signature

7/29/21

Date of Signature

City of Sweet Home

City Council Rules

Adopted August 28, 2018 - Effective September 27, 2018

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1) Rules of the City Council Adopted.

"The Council shall... adopt rules and regulations for the government of its members and proceedings." (2014 City of Sweet Home Charter, Sec. 14). The Sweet Home City Council does hereby adopt the following rules for conducting business and to govern its members, the same to be known as the Rules of the City Council (Council Rules). The City Council shall strive to review its rules at least once every two years. The Council Rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies or provisions of the City Charter.

- a) Amendment. These rules of procedure are subject to amendment by the City Council in accordance with the rules noted herein.
 - i) Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
 - ii) All amendments to these rules require a majority vote of the City Council.
 - iii) Amended rules shall not go into effect until the meeting after the rule is approved.

- iv) These rules may be suspended upon a majority vote of the City Council.
- b) Repeal. These rules of procedure are subject to repeal and replacement by the City Council in accordance with the rules noted herein.
 - i) Any proposed repeal of these rules shall be accompanied by a proposed replacement.
 - ii) Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
 - iii) Any repeal and replacement of these rules requires a majority vote of the City Council.
 - iv) Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule is approved.

2) Meeting of the City Council.

- a) Public Meeting Law. All meetings of the City Council shall comply with the Oregon State Public Meetings Law, which is hereby incorporated by reference into these rules.
- b) Regular Meeting. The City Council will meet for regular meetings on the second and the fourth Tuesday of each month unless the Mayor cancels or reschedules the meeting upon consensus of the City Council. The Mayor, in conference with the City Manager, may cancel a regular meeting for inclement weather or other unforeseen circumstances or emergency situations. Regular meetings will convene at 6:30 pm and will be adjourned by 10:00 pm unless extended by consent of a majority of the City Council.
- c) Special Meeting. Special Meetings of the City Council may be called in accordance with the provisions of Section 14 of the City Charter, "Special meetings of the council may be called by the mayor, either upon his/her own motion or upon the request of at least three members of the council, and held at any time, upon verbal or written notice to all members of the council then in the city. Special meetings of the council may also be held by the common consent of all members of the council."
- d) At Special Meetings of the Council, called in a manner provided by the Charter, no business shall be acted upon except that mentioned in the notice or call of the special meeting.
- e) Work Sessions. Work sessions will be held to provide Council with an informal opportunity to ask questions about pertinent issues and provide guidance to staff. No issues will be decided in work sessions that would require formal Council decision making.
- f) Executive Session. An executive session shall be held in accordance with Oregon State Public Meetings Law. The chairperson may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. The chairperson shall determine which persons other than the City Council shall be allowed to attend executive sessions. The chairperson shall instruct any media representatives present not to disclose the substance of any discussion during executive session. No final decision shall be made in executive session. To make a final decision, the chairperson shall either call the meeting into open session or place the decision on the agenda of a future open session.

3) Minutes.

The City Recorder, or the designee, shall prepare written minutes of all open regular and special meetings, which shall be approved by the City Council and made available for public inspection. All meetings shall be recorded for the benefit of the City Recorder in the preparation of the minutes.

- a) Written Minutes. Per Section 20 (c)(16) of the City Charter, the City Manager shall, "...serve as the city recorder and such to be clerk of the council, keep an accurate record of its proceedings in a book provided for that purpose, and countersign all

instruments and writings by this charter or by the laws of the state or the city.” Written minutes shall include the names of all City Councilors present, all motions, resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes and references to any documents discussed. Adopted minutes shall be signed by the chairperson.

- b) Audio/Video Recording. City Council meetings may be audio and/or video recorded. If the City of Sweet Home records the meeting, copies shall be retained by the City of Sweet Home in order to comply with the State of Oregon Public Meetings Law.
- c) Audio/Video Area. All audio and/or video recording by the public and/or press shall be done from within a designated area.

4) **Agenda.**

The City Manager shall coordinate with the chairperson on the preparation of an agenda of the business to be presented at a City Council meeting. The chairperson and City Manager shall endeavor to publish the agenda of regular meetings five days prior to the meeting. The agenda packet containing all agenda items will be available for the City Council on that day.

- a) Non-Agenda items brought to Council by an individual Councilor must be introduced by motion during a City Council meeting and requested to be on the agenda for the next meeting. The motion, which can be made by the Councilor submitting the item, must have a second for the item to move to the next agenda.
- b) In a time sensitive or emergency situation, items may be brought forth, and by a majority vote of the Council, reviewed during the current meeting.

5) **Attendance.**

Councilors will inform the chairperson or the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the President Pro Tem or the City Manager regarding any absence by the Mayor.

- a) Per Section 12 of the City Charter, “An office shall be deemed vacant upon the incumbent’s death, insanity, conviction of a felony, resignation, removal from the city or absence from the city for a period of 30 days without the consent of the council in the case of the mayor, manager, municipal judge or councilor...and in the case of the mayor or a councilor, upon his/her absence from meetings of the council for 60 days without the consent of the council.”
- b) When unable to physically attend a Council meeting, City Council members may participate in Council meetings, including executive sessions and work sessions, by telephone or video conference. Telephonic or video participation must be approved in advance by the chairperson and there must be a quorum present in the City Council Chambers before telephonic participation will be allowed. All Council members, whether attending the meeting in person or by telephonic/video means, shall have identical voting rights. The participant must be telephonically/video present for the entire meeting.

6) **Citizens Duties at City Council Meetings.**

- a) General Procedure. Citizens desiring to address Council shall first be recognized by the chairperson. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and questions regarding administration of the City shall be referred to the City Manager by the chairperson.
- b) Agenda Items. Anyone desiring to speak to the Council on an agenda item must indicate their desire to speak to the chairperson by signing in on the request to speak form. When that agenda item is on the floor for discussion, the chairperson will recognize registered individual(s) to address the Council.
- c) Non-Agenda Items. Anyone desiring to speak to the Council on a non-agenda item must first properly sign in on the request to speak form, clearly indicating the topic they wish to address. The chairperson, at their discretion, may permit such persons to address the

Council and may limit the time for comment as needed, generally allowing between three to five minutes.

- d) **Speaker's Conduct.** Citizens acknowledged by the chairperson to address the Council shall step up to the microphone, give his/her name, address and subject matter of their comments in an audible tone of voice for the record and, unless further time is granted by the chairperson, shall limit their address to three (3) minutes.
 - i) All comments shall be made to the entire Council and not to any single member or to staff.
 - ii) Any questions for Council members or staff shall be presented through the chairperson.
 - iii) The Council will determine the disposition of any issues raised (e.g., placed on the agenda, designated for a work session, future agendas, refer to staff, or do not consider).
 - e) **Conduct of Audience.** All audience members shall abide by the rules of common decorum contained herein and as would be commonly expected in a public setting. No audience member shall disrupt the conduct of the meeting or clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so shall be determined out of order and the chairperson may have such person removed from the Council chambers. Such person shall not be permitted to attend the remainder of that Council meeting.
 - f) **Citizen Complaints.** All citizen complaints regarding city operations shall be submitted to the City Manager's office in writing preferably on the form provided by the City. Such forms will be available at City Hall and on the City's web site. Each form must be signed by the person making the complaint. The City Manager shall forward any such written complaints to the appropriate person for review. Citizen complaints brought directly to the Council during a meeting may not be heard or considered at the discretion of the Chairperson.
- 7) **Councilor's Duties at City Council Meetings.**
- Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the Orders of the chairperson. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- a) Every Councilor desiring to speak shall first address the chairperson and await recognition to obtain the floor. No person other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without permission of the chairperson.
 - b) Any Councilor who has the floor shall confine himself or herself to the questions under debate, avoid personalities and refrain from impugning motives of any member, member argument or vote. No member shall address the chairperson or demand the floor while any vote is being taken.
 - c) Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the Council. No Councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.
 - d) A Councilor once recognized shall not be interrupted while speaking, unless called to order by the chairperson, or unless a point of order is raised by any Councilor while they are speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order, the Councilor shall be permitted to proceed; if ruled

to be out of order, the Councilor shall remain silent or shall alter their remarks as to comply with the ruling.

- e) City staff and employees shall observe the same rules of order and decorum as are applicable to the Council.

8) Mayor.

The Mayor shall act as the chairperson and preside at meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. In case of the Mayor's absence or temporary disability, the President Pro Tem shall act as the chairperson during the continuance of the absence. In case of the absence or temporary disability of the Mayor and President Pro Tem, the members of the Council shall select a member to act as chairperson during the continuance of the absences. The Mayor or President Pro Tem are referred to as the "chairperson" from time-to-time in these Council Rules.

- a) At its first meeting of the new term after each biennial general election, the Council shall elect from its membership a chairperson who shall be Mayor for a term of two years. (2014 City of Sweet Home Charter, Sec. 3)
- b) The Mayor shall appoint the various committees provided for under the rules of the council or otherwise and shall fill all vacancies in committees of the council from that body. (2014 City of Sweet Home City Charter, Sec. 19)
- c) The Mayor shall sign all ordinances passed by the Council within three days after passage. (2014 City of Sweet Home City Charter, Sec. 19)
- d) The Mayor shall sign all instruments and writings authorized by the charter, the laws of the State of Oregon or the City Council. In the absence of the Mayor, such instruments shall be signed by the President Pro Tem of the City Council. (2014 City of Sweet Home City Charter, Sec. 19)
- e) All orders on the city treasurer shall be signed by two of the three following named city officers, being the Mayor, the City Manager and the City Treasurer. (2014 City of Sweet Home Charter, Section 19)

9) Mayor's Duties at City Council Meetings.

"The Mayor shall be the chairperson of the council and shall preside over its deliberations. He/she shall have the authority to preserve order, enforce the rules of the council and determine the order of business, subject to the rules of the council. He/she may vote as any other Councilor." (City of Sweet Home Charter, Section 16)

10) President Pro Tem

At its first meeting in the new term after each biennial election, the council shall elect from its membership, a President Pro Tem for a term of two years. The President Pro Tem shall perform the duties of the Mayor in the absence of the Mayor. (2014 City of Sweet Home Charter, Section 17)

11) Order of Business.

In the conduct of business of the City Council, the following procedure shall be substantially followed:

- a) Call to Order
- b) Roll Call
- c) Consent Agenda
- d) Recognition of Visitors and Hearing of Petitions
- e) Old Business
- f) New Business
- g) Ordinance Bills
 - i) Request for Council Action and First Reading of Ordinance Bills
 - ii) Second Reading of Ordinance Bills
 - iii) Third Reading of Ordinance Bills
- h) Reports of Committees

- i) Reports of City Officials
- j) Council Business for Good of the Order
- k) Adjournment

12) Ordinance Bills.

Proposed ordinances shall be known as “ordinance bills.” They shall be numbered consecutively and filed by the City Manager in the order in which they are introduced.

- a) Numbering. The city recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the ordinance was introduced.
- b) The enacting clause of all ordinances hereafter passed shall be “The City of Sweet Home does ordain as follows.” (2014 City of Sweet Home Charter, Section 23)
- c) All ordinances shall, before presentation to the council, have been approved as to form by the city attorney, or the city attorney’s designee.
- d) “Every ordinance shall be fully and distinctly read in open council meeting on one day and shall be read by title only on two different days previous to being put upon its final passage provided that the council may have the ordinance fully and distinctly read at any reading thereof; provided, however, that any ordinance may be introduced and read the first time at any meeting and may upon a unanimous vote of all the members of council present at the meeting be read a second time by title only and placed upon its passage at the meeting held on a separate and successive day.” (2014 City of Sweet Home Charter, Section 24)
- e) After an ordinance is introduced for consideration by the council for presentation for first reading, the council may direct that:
 - i) A public hearing on the ordinance be held;
 - ii) Refer the ordinance to committee for review and recommendation;
 - iii) Refer the ordinance to the city manager for further revision;
 - iv) Pass the ordinance to a second reading;
 - v) Pass the ordinance to a second reading and by, “...unanimous vote of all the members of the council present at the meeting be read a second time by title only and placed upon its passage at the meeting held on a separate and successive day.” (2014 City of Sweet Home Charter, Section 24)
 - vi) Reject the ordinance in whole or in part.
- f) Except as otherwise provided by this section, on second reading all ordinances shall be placed by title and number on a calendar of second reading and may be passed to a third reading as a group, provided that the vote for the passage of the calendar is unanimous.
- g) The third reading of ordinance bills need be read by title only.
- h) Each ordinance shall take effect on the thirtieth day after passage; provided that when the council deems it expedient or in case of emergency; an ordinance may provide a different time when it shall take effect, or that it shall take effect immediately. All ordinances shall be posted for 10 days after passage in three or more conspicuous places in the city. (2014 City of Sweet Home Charter, Section 25)
- i) All resolutions shall be signed by the Mayor and the City Manager and shall have therein the date of their passage by the Council and the date of approval by the Mayor.

13) Procedure.

In all cases not specifically provided for herein or in the City Charter, the Council shall be governed by the law and precedents laid down in the then current edition of Robert’s Rules of Order.

14) Quorum.

A majority of council members is a quorum. A quorum is required to conduct business, but a

smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by ordinance. The Council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the council shall be public. (2014 City of Sweet Home Charter, Section 15)

15) Resolutions.

- a) All resolutions shall be in writing and numbered consecutively in the order in which they are introduced in each calendar year.
- b) All resolutions shall be signed by the Mayor and the City Manager and shall have therein the date of their passage by the Council and the date of approval by the Mayor.

16) Vote.

The concurrence of a majority of a quorum shall be required to determine any matter before the Council except as provided otherwise in the Charter. (2014 City of Sweet Home Charter, Section. 18)

- a) All questions shall be voted on by affirmation except those involving the expenditure of money and third reading of ordinance bills in which case a roll call shall be taken. If the chairperson doubts or a decision is called for, a roll call shall be taken.
Every Councilor, when a question is taken, shall vote. If a Councilor is planning to abstain, the Councilor must declare the intent to abstain prior to the vote.
No Councilor shall be permitted to vote on any subject in which he or she has a conflict of interest.

17) Debate and Withdrawal of Motions.

Members who wish to make a motion must first be recognized by the chairperson. After the Councilor makes a motion the chairperson should then restate it or rule it out of order, then call for a second. No motion shall be debated until it has been seconded and distinctly announced by the chairperson and shall have been reduced to writing if so desired by any Councilor. It shall be read by the City Manager, or their designee, when required by members for information. A motion may be withdrawn at any time before amendment.

- a) Most motions require a second, although there are some exceptions:
 - i) Nominations, points of order, requests to remove an item from the consent agenda, and motions to table.
 - ii) A motion to table does not require a second and is not debatable. The chairperson will state the motion and call for the vote.
- b) Motions for Reconsideration. A Motion for Reconsideration must be made by a member from the prevailing side. Any member may make the second. The following rules apply to motions for reconsideration:
 - i) Motion must be in a timely manner but in no instance more than six (6) months after the original action.
 - ii) When (6) months have elapsed, any member may bring the item before the Council.
 - iii) No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

18) Vacancies.

- a) Vacancies in office filled by election or by appointment by the council shall be filled by appointment by the council at any regular or special meeting, and the person so appointed shall serve the full unexpired term and until his/her successor is chosen and qualified. (2014 City of Sweet Home Charter, Section 13)
- b) Vacancies in offices filled by appointment by the manager shall be filled by appointment by the manager. An officer appointed to fill a vacancy shall within 24 hours after his/her appointment qualify for office, and unless he/she does so, the office shall be considered vacant. During the temporary absence of any officer from the city for any cause his/her

office may be filled temporarily in the manner provided for filling vacancies in office.
(2014 City of Sweet Home Charter, Section 13)

19) Ethics.

All members of the City Council shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to ensure impartial application of the law to all citizens, and equal treatment of each citizen before the law.

- a) All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
 - i) Disclosing confidential information.
 - ii) Taking action, which benefits special interest groups or persons at the expense of the City as a whole.
 - iii) Expressing an opinion contrary to the official position of the council without so saying.
 - iv) Conducting themselves in a manner so as to bring discredit upon the government of the City.

b) Ex Parte Communications in Land Use.

When Council receives written ex parte communication regarding land use, City Council should inform the citizen that the Council is interested in his or her perspective; however, because the Council is hearing the associated land use application, Council must refrain from reading and responding to information outside of the public hearing process. The Councilor should inform the citizen that the information received is being forwarded to staff for inclusion in the public record. Council shall then forward all ex parte correspondence received to staff as soon as possible for inclusion in the land use file, and if possible, the record.

c) Expenses and Reimbursement.

Councilor expenditures for other than routine reimbursable expenses (e.g. budgeted conference registration, travel, etc.) will require advance Council approval according to the purchasing rules which apply.

d) Interference in Administration.

No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any city office or employment. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of Council, may be removed therefrom by the Council or by any court of competent jurisdiction; provided, however, that nothing herein contained shall be construed as prohibiting the council, while in open session, discussing with or suggesting to the manager, fully and freely, anything pertaining to city affairs and for the best interest of the city. Neither the manager nor any person in the employ of the city shall take any part in securing, or shall contribute any money toward the nomination or election of any candidate for the municipal office. (2014 City of Sweet Home Charter, Section 20(f))

- e) A Councilor who desires major policy or ordinance research should first raise the issue at a regular meeting of the Council. The Council should consider items in light of City priorities and workload and agree to proceed with an issue or ordinance before any staff time is spent preparing a report. The Councilor may present information or a position

paper or ask for a department report or committee recommendation. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.

20) Violations.

- a) The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline or remove the member.
- b) The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).
- c) After the Executive Session or Public Hearing, if further action by the City Council is needed in addition to any other options allowed by law the City Council may use the following.
 - (1) Admonition: An admonition shall be verbal vote in open session made by the Council and recorded in the minutes.
 - (2) Reprimand: A reprimand shall be administered to the offending Councilor by letter. The letter shall be prepared by the City Council after action in open session to approve such letter. If the member objects to the contents of such letter, they may file a request for review of the content of the letter of reprimand with the City Council. The City Council shall review the letter of reprimand based upon the request for review and any record established, and may take whatever action reasonable and prudent under the circumstances.
 - (3) Removal from office: Removal from office shall occur after trial on written charges before the City Council and by complying with the recall provisions of ORS 249.865.
- ii) The action of the City Council in response to a violation of these Council Rules shall be final and not subject to further review before the City Council.

21) Legal Advice.

- a) Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the consensus of the Council. Before requesting research or other action by the City Attorney, the Council member should consult with the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique or sensitive City business-related requests.
- b) **PRESERVING THE ATTORNEY CLIENT PRIVILEGE.** No Council member shall make any disclosures or release any information which would result in the waiver of the attorney/client privilege without first obtaining the approval of a majority of the Council in open session. Such a request for disclosure shall first be raised during an executive session for discussion prior to a vote in open session.

22) Public Records.

- a) The disposition of public records created or received by Councilors shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including mail messages, notes, memos and calendars (e.g., Outlook calendars and "Day Timers") are public records and are subject to disclosure under the Public Records Law.
- b) Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the

proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder.

23) Representing the City.

- a) Representing City. If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
- b) Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.
- c) Upon returning, a reasonable effort should be made by the Councilor to communicate any information or questions pertinent to city business to the full council within a reasonable time frame.

24) Communication with Staff.

- a) City Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
 - i) Working with the staff as a team with a spirit of mutual respect and support.
 - ii) Except in a Council meeting, not attempting to influence a City employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of City licenses and permits. However, the sharing of ideas on these matters is appropriate.
 - iii) Limiting individual contacts with City staff to the City Manager, or other designated staff as not to influence staff decisions or recommendations, interfere with their work performance, undermine the City Manager authority or prevent the full Council from having the benefit of any information received.
 - iv) Council members shall not request City staff to perform significant work without the prior approval of the City Manager, so that workloads and work plans are not adversely impacted. Councilors will limit individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.
 - v) Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
 - vi) Members of the Council shall normally share any information obtained from staff with the entire council. This section is not intended to apply to questions by members of the council acting in their individual capacities rather than as members of the council, nor to questions regarding conflict of interest or similar issues particular to a member of the council.
 - vii) The mayor will refer any comments or questions regarding City personnel or administration to the City Manager. The mayor may redirect other questions to a Council member or the City Manager, as appropriate. Council members may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

25) Non-Material Failure

- a) Non-material failures to follow the Council Rules in conducting business or to abide by the rules of procedure does not invalidate the decisions of the City Council nor will it be grounds to later challenge the validity of the decision.