

AGENDA

KEIZER CITY COUNCIL **REGULAR SESSION**

Monday, August 20, 2012

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

5. **PUBLIC HEARINGS**

6. **ADMINISTRATIVE ACTION**

a. **RESOLUTION** – Authorizing the City Manager and Chief of Police to Enter Into District Attorney's Case Management System (DACMS) Usage Agreement with Marion County

b. **RESOLUTION** – Adopting the City Council Rules of Procedure; Repealing Resolutions R2003-1452, R2006-1655, and Any Other Previous Resolutions Relating to the City Council Rules of Procedure for the City of Keizer

7. **CONSENT CALENDAR**

a. Approval of July 16, 2012 Regular Session Minutes

8. **COMMITTEE REPORTS**

9. **OTHER BUSINESS**

This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

a. New Business or Old Business Issues

10. **WRITTEN COMMUNICATIONS**

To inform the Council of significant written communications.

11. **AGENDA INPUT**

September 4, 2012 (Tuesday)

7:00 p.m. – City Council Meeting

September 10, 2012

5:45 p.m. – City Council Work Session

- Keizer Parks Tour

September 17, 2012

7:00 p.m. – City Council Meeting

12. **ADJOURNMENT**

Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at (503)390-3700 or through Oregon Relay at 1-800-735-2900 at least two working days (48 hours) in advance.

CITY COUNCIL MEETING: August 20, 2012

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: DACMS AGREEMENT

The City has an opportunity to access Marion County District Attorney's DACMS system which will allow the Police Department access for the purpose of viewing and printing data that is stored on portions of the DACMS database. To utilize this opportunity, Marion County has requested that the City enter into the DACMS Usage Agreement. There is no cost to the City at this time. The agreement has a provision that advance notice will be given if there is to be a cost to the City. Staff believes that access to this database will be a benefit to the Police Department.

RECOMMENDATION:

Adopt the attached Resolution authorizing the City Manager and the Chief of Police to enter into the DACMS Usage Agreement.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2012-_____

AUTHORIZING CITY MANAGER AND CHIEF OF POLICE TO
ENTER INTO DACMS USAGE AGREEMENT WITH MARION
COUNTY

WHEREAS, ORS Chapter 190 provides for intergovernmental agreements;

WHEREAS, the City of Keizer and Marion County wish to enter into that certain
DACMS Usage Agreement in which Marion County will provide access to a portion of
the District Attorney's Case Management System referred to as DACMS to the Keizer
Police Department;

WHEREAS, the City Council of the City of Keizer has considered this matter and
wishes to move forward with such agreement;

WHEREAS,

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City
Manager and Chief of Police are authorized to enter into the DACMS Usage Agreement
attached as Exhibit "A" and by this reference incorporated herein.

PASSED this _____ day of _____, 2012.

SIGNED this _____ day of _____, 2012.

Mayor

City Recorder

DACMS USAGE AGREEMENT

This Intergovernmental Agreement (hereinafter the “Agreement”) is made by and between Marion County, a political subdivision of the state of Oregon, acting by and through its District Attorney’s Office (hereinafter the “County”), and the City of Keizer, an Oregon municipal corporation, acting by and through its Police Department (hereinafter the “Keizer Police Department”) collectively referred to herein as the “Parties,” for the purpose of allowing Keizer Police Department to access and print case information from the County’s District Attorney’s Case Management System (hereinafter “DACMS”).

RECITALS

- A. The County and Keizer Police Department are both public bodies engaged in providing municipal services, including law enforcement, to their citizens; and
- B. The County maintains a records management system referred to as DACMS which is utilized in providing law enforcement services; and
- C. The County wishes to allow approved employees of Keizer Police Department with access to DACMS: “read only” access for the purpose of viewing and printing data that is stored on certain portions of the County’s DACMS database. Keizer Police Department’s use of DACMS shall be solely for law enforcement purposes; and
- D. The Parties find that the performance of this Agreement will benefit the public; and
- E. This Agreement is entered into pursuant to Oregon Revised Statutes Chapter 190.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and benefits contained herein, the County and Keizer Police Department agree as follows:

1. Keizer Police Department ’S OBLIGATIONS:

1.1. Keizer Police Department shall ensure that any and all employees accessing DACMS (hereinafter “Authorized Users”) shall utilize an exclusive username and password.

1.2. Keizer Police Department shall submit a written list of all Authorized Users of DACMS to the Marion County District Attorney for approval. Such written list shall contain each Authorized User’s unique username for accessing DACMS. Keizer Police Department acknowledges that County has complete discretion to deny access to any employee.

1.3. Keizer Police Department agrees to follow all applicable statutes, rules, and court orders regarding the use of DACMS.

1.4. Keizer Police Department agrees that it is responsible for its Authorized Users’ proper use of DACMS and for the safekeeping of all usernames and passwords.

1.5. Keizer Police Department agrees to notify the Marion County District Attorney or his designee immediately if any unauthorized use of DACMS by an employee is found or suspected. Keizer Police Department acknowledges that any suspected misuse of DACMS may result in the suspension of its access to and use of DACMS.

1.6. Keizer Police Department agrees that the County may/will monitor all access to and use of DACMS by its Authorized Users.

1.7. Keizer Police Department agrees to take any and all reasonable steps to ensure that any computer used to access DACMS contains no malicious computer code or virus that might be harmful to DACMS.

1.8. Keizer Police Department agrees to update its contact information and Authorized User list required in Subsection 1.2 when any information set forth therein changes. Keizer Police Department will promptly provide updated information to the Marion County District Attorney or his designee for approval.

1.9. Keizer Police Department is solely responsible for ensuring that its equipment is compatible with the requirements needed to upload information onto DACMS, or to view or print information contained in DACMS.

1.10. Keizer Police Department shall ensure that all internet connections and firewalls used in accessing and/or viewing DACMS are secure.

1.11. Keizer Police Department shall train its Authorized Users on the proper use of DACMS.

1.12. Keizer Police Department shall ensure that any access and use of DACMS is done in conformance with current case law.

1.13. Keizer Police Department is solely responsible for training its Authorized Users in the lawful use of DACMS.

1.14. Keizer Police Department understands and agrees that DACMS may contain errors and uses any information or report contained in DACMS at its own risk.

1.15. Keizer Police Department understands and agrees that DACMS may be unavailable at times due to regularly scheduled maintenance or unexpected system problems. The County disclaims any liability due to the unavailability of DACMS.

1.16. Upon termination of this Agreement, Keizer Police Department agrees to take all necessary steps to sever any access to DACMS by its Authorized Users and to restore any needed firewalls.

1.17. Keizer Police Department is not required to pay any licensing costs associated with its use of DACMS at this time. If it is determined that additional licensing costs arise from Keizer Police Department use of DACMS software, County will, to the extent possible, provide Keizer Police Department with advance notice so that Keizer Police Department may plan appropriately. Keizer Police Department agrees to pay any additional licensing costs associated with its use of DACMS software.

2. COUNTY'S OBLIGATIONS:

2.1. The County agrees to allow County-approved Authorized Users of Keizer Police Department with "read only" access to DACMS for the purpose of viewing and printing data that is stored on certain portions of the County's DACMS database.

3. TERM AND TERMINATION:

3.1. This Agreement shall be effective upon the date of execution by both Parties. If the Parties sign on separate dates, the latter date shall be the effective date. This Agreement shall remain in effect for five (5) years unless terminated as provided herein.

3.2. The County may, in its sole discretion, for any or no reason, and without notice, terminate this Agreement and take all necessary steps to stop Keizer Police Department's access to DACMS. The County shall not be liable to Keizer Police Department or any third party for any termination of access to DACMS.

3.3. Keizer Police Department may terminate this Agreement for any or no reason upon not less than ten (10) days' prior written notice to the County.

4. INDEMNIFICATION:

4.1. Keizer Police Department agrees to defend, indemnify, and hold harmless County, its officers, agents, and employees from damages arising out of the tortious acts of the Keizer Police Department, its officers, agents, and employees acting within the scope of their employment and duties in performance of this agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution, Article XI, Section 7.

4.2. Likewise, the County agrees to defend, indemnify, and hold harmless Keizer Police Department, its officers, agents, and employees from damages arising out of the tortious acts of the County, its officers, agents, and employees acting within the scope of their employment and duties in performance of this agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and the Oregon Constitution, Article XI, Section 7.

4.3. Nothing in this agreement shall be deemed to limit the right of either party to make a claim against the other for damages and injuries incurred by one party as a result of the actions of the other party's officers, agents and employees.

4.4 Each party shall maintain insurance or self-insurance for general liability. Each party shall provide workers' compensation insurance in compliance with ORS Chapter 656 for all employees performing work under this agreement.

5. DISCLAIMER OF WARRANTIES: The use of any material or information downloaded, printed or otherwise obtained from DACMS is at Keizer Police Department's own discretion and risk, and Keizer Police Department will be solely responsible for any damage to Keizer Police Department's computer system or loss of data that may result from the use of DACMS.

6. NOTIFICATIONS: Whenever notice is required or permitted to be given under this Agreement, such notice shall be given in writing to the other party by personal delivery, by sending via registered or certified United States mail, return receipt requested, postage prepaid, or by electronically confirmed facsimile at the address or facsimile number set forth below:

If to the County:

Walt Beglau
Marion County District Attorney's Office
PO Box 14500
Salem, OR 97309
Fax: (503) 588-3564

If to Keizer Police Department:

H. Marc Adams, Chief
Keizer Police Department
PO Box 21000
Keizer, OR 97307-1000
Fax: (503) 390-8295

Any notice delivered by personal delivery shall be deemed to be given upon actual receipt. Any notice sent by United States mail shall be deemed to be given five (5) days after mailing. Any notice sent by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. To be effective against either party, such facsimile transmission shall be confirmed by telephone notice to the other party.

7. GENERAL PROVISIONS:

7.1. Each Party working under this Agreement is either an employer that will comply with ORS 656.017 or an employer that is exempt under ORS 656.126. Each Party agrees that it is solely responsible for obtaining and maintaining insured or self-insured coverage for its own employees as required by that law.

7.2. This Agreement represents the entire integrated agreement between the Parties concerning the subject matter hereof. This Agreement supersedes all prior agreements, negotiations and representations relating to the same subject matter between the Parties.

7.3. This Agreement may be amended only by written instrument executed with the same formalities as this Agreement.

7.4. Keizer Police Department agrees that it shall comply with all federal, state, and local laws, regulations, executive orders and ordinances that may be applicable to this Agreement. Keizer Police Department agrees that no person shall, on the grounds of race, color, religion, age, mental or physical disability, sexual orientation, creed, national origin, sex, marital status, familial status or domestic partnership, gender identity, or source of income, suffer discrimination in the performance of this Agreement when employed by it. Keizer Police Department further agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations, and agrees not to discriminate against minority-owned, women-owned or emerging small business enterprises

certified under ORS 200.055 or a business enterprise that is owned or controlled by or that employs a disabled veteran as defined in ORS 408.225, in awarding subcontracts as required by ORS 279A.110.

7.5. This Agreement shall be governed by the laws of the State of Oregon without regard to conflict of laws principles. Exclusive venue for litigation of any action arising under this Agreement shall be in the Circuit Court of the State of Oregon for Marion County unless exclusive jurisdiction is in federal court, in which case exclusive venue shall be in the federal district court for the District of Oregon. Each Party expressly waives any and all rights to maintain an action under this Agreement in any other venue, and expressly consents that, upon motion of the other party, any case may be dismissed or its venue transferred, as appropriate, so as to effectuate this choice of venue.

7.6. Neither party to this Agreement shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of the other or the other's officers, employees or agents.

7.7. One or more waivers or failures to object by either party to any breach, violation or default of any provision, term, condition or covenant contained in this Agreement shall not be construed or operate as a waiver of any subsequent breach, violation or default of that or of any other provision, term, condition or covenant.

IN WITNESS WHEREOF the Parties have caused this Agreement to be signed in their respective names by their duly authorized representatives as of the dates set forth below.

CITY OF KEIZER:

MARION COUNTY:

City Manager Date

Marion County District Attorney Date

Chief of Police Date

John Lattimer Date
Chief Administrative Officer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Keizer Legal Counsel

Marion County Contracts

Marion County Legal Counsel

CITY COUNCIL MEETING: August 20, 2012

AGENDA ITEM NUMBER:_____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: RESOLUTION ADOPTING COUNCIL RULES OF
PROCEDURE**

At the Council work session last month, the Council reviewed the draft Council Rules of Procedure and directed staff to make changes. I made the changes that were requested. In addition, I made some minor additions or modifications that appear to be appropriate. These changes are shown in red on the marked draft enclosed.

RECOMMENDATION:

Adopt the attached Resolution adopting the new Council Rules of Procedure.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh



CITY COUNCIL RULES OF PROCEDURE

Adopted by Council Resolution R2012- R2003-1452 on August 20,
2012December 1, 2003

Amended by Council Resolution R2006-1655 on January 17, 2006

Amended by Council Resolution R2012-xxx on August 6, 2012



CITY OF KEIZER COUNCIL RULES OF PROCEDURE

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SECTION 1 - AUTHORITY

1.1 Authority - The Charter of the City of Keizer provides that the Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the Council until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd-number years following general elections. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules. The City recorder shall retain the signature copy.

SECTION 2 - GENERAL RULES

2.1 Open Meetings – All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law. No final action by the Council shall have legal effect unless the motion and the vote by which it is disposed of, take place at a proceeding that are open to the public.

2.2 Ethics – All elected officials will comply with Chapter 244 – Government Ethics of the Oregon Revised Statutes.

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2.32 Quorum – A majority of the members of the Council shall constitute a quorum for its business, but no less than three Councilors may meet and compel the attendance of absent members. If a quorum is not present, those in attendance will be recorded, and the City Recorder will adjourn the meeting.

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2.43 Rules of Order – *Robert's Rules of Order Newly Revised* shall govern all Council proceedings unless they conflict with these rules. The Council President will act as parliamentarian with support from the City Attorney when present.

2.54 Suspension of Rules – The vote to suspend the Rules of Procedure (including *Robert's Rules of Order Newly Revised*) requires a two-thirds majority vote of those members of the Council who are present, except as set forth in Section 6.1(jh). If the motion is carried by a two-thirds vote, then the rules are suspended for that item only.

2.65 Address by Council Members – Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Manager. The City Manager may respond as requested or redirect the inquiry to a member of the staff.

2.76 Seating Capacity and Safety Requirements – The safe occupancy and seating capacity of the Council chambers as determined by the fire marshal shall be posted within the Council chambers. The limitations on occupancy and seating shall be

complied with at all times. Aisles and emergency exits shall be kept clear at all times.

SECTION 3 – COUNCIL MEETINGS

3.1 Regular Meeting - The Keizer City Council will meet in regular session on the first and third Mondays of each month at 7:00 p.m. in the Robert L. Simon Council Chambers or at another place in the City which the City Council designates. If such date falls on a legal holiday (per ORS Chapter 187), the meeting shall be held at the usual hour and place on the following day.

3.2 Work Session – The Keizer City Council may hold a work session on the second Monday of each month in the Robert L. Simon Council Chambers or at another time or place in the City in which the City Council designates. Such sessions shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with **no vote or formal action** taken. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members.

3.3 Special Meeting – The Presiding Officer, upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council. At least 24 hours notice shall be given for the meeting. Special meetings of the Council may also be held at any time by the common consent of all members of the Council. Only the subjects listed on the special meeting agenda may be acted upon.

3.4 Emergency Meeting – An emergency meeting of the City Council may be called by the Presiding Officer or City Manager on less than 24 hours' notice provided that an actual emergency exists. The minutes of the meeting must describe the emergency justifying less than 24 hours notice and why the meeting could not be delayed. Attempts will be made to contact the media to provide notice of the emergency meeting.

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

Prior to opening an executive session the Presiding Officer shall:

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

An executive session may be held during any open meeting for which proper notice has been given or outside of any regular meeting when properly noticed. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered.

3.6 Cancellation of Meeting - Upon a majority vote of the members of the City Council present, a meeting may be canceled when deemed appropriate. The Charter requires one regular meeting be held each month. Notice of cancellation shall be posted on the bulletin board at City Hall, City's web site and social media sites, distributed to members of the media, and to known interested citizens.

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3.7 Notice of Meeting – The City Recorder shall provide:

- notice of the time,
- place, and
- agenda items for any gathering of the Keizer City Council.

Notice shall be posted on the bulletin board at City Hall, posted on the City's web site, delivered by mail or otherwise to members of the media, and other interested persons upon written request. Notice shall be given at least 24 hours prior to the meeting to members of the governing body, the public and media for any special meeting, unless the meeting is considered an emergency as defined by law. Notice of executive sessions shall cite the specific law that authorizes the executive session.

3.8 – Americans With Disabilities Act – All meetings of the Council shall be held in compliance with the Americans With Disabilities Act.

3.9 – Attendance Duty – It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Chapter VII – Section 29 that a Council office will be deemed vacant upon his or her absence from meetings of the Council for 60 days without like consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

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

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Telephonic, video or internet attendance does not ensure that all testimony, discussions, staff information and deliberations are available fully and equally.

Therefore methods of attendance other than personal onsite attendance shall not be considered "in attendance."

3.10 – Excused Absence – When any Council member cannot attend a meeting of the Council, the member shall notify the Presiding Officer prior to the meeting. If there are no objections from other Councilors, the Presiding Officer may announce the absence is for good cause and the absence shall be listed in the minutes as excused. If the City Council determines the absence is not for good cause, the absence shall be listed in the minutes as unexcused.

SECTION 4 – THE PRESIDING OFFICER

4.1 Mayor – The Mayor shall -preside at all regular, work sessions, special meetings and executive sessions of the City Council and shall be the recognized head of the City for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as Presiding Officer. In the absence of the Mayor, the Council President shall serve as the Presiding Officer. In the absence of both the Mayor and Council President ~~at a meeting where a quorum is present,~~ the office of both or either ~~shall~~may be filled pro tem by the Councilor with the longest continuous service on Council from the Councilors present and business transacted accordingly.

4.2 Council President – At the first meeting of the Council in each odd-numbered year, the Council will elect a Council President from its members by majority vote of those Council members present. The Councilor with the longest continuous tenure, who has not served as Council President previously, will be nominated. Others may be nominated from the Council, including the current Council President. ~~The Council President will be elected by a majority vote of those Council Members present. In the event of a tie vote or lack of majority, the top two candidates or all first place candidates in the case of a tie will be nominated for a second vote. In the event of a tie vote or lack of majority during the second and final vote of the selection process the names of at least two candidates (top vote receiver(s) or top vote receiver and all second place vote receivers will draw lots to determine the successful candidate. In the event that no candidate receives a majority vote, a second vote will be conducted. The first place candidates shall be nominated. If there is only one first place candidate, such candidate and all second place candidates shall be nominated. If no candidate receives a majority vote, the candidates in the second vote will draw lots to determine the Council President.~~

Whenever the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor. The Council President will initiate a motion for all prepared resolutions and ordinances and the consent calendar unless another Councilor has requested to do so or initiate the action.

4.3 Sergeant at Arms – The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms. In the absence of the Council President, the Sergeant at Arms will be filled by the Councilor with the longest continuous service on Council from the Councilors present.

SECTION 5 – DECORUM AND ORDER

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

5.2 Councilors – Council ~~members~~ 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 Presiding Officer or these Rules. Council ~~members~~ shall when addressing staff, council members or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, should not impugn the motives of any speaker, ~~and Council members shall at all times, while in session or otherwise,~~ conduct themselves in a manner appropriate to the dignity of their office. Council may determine by simple majority the appropriateness of a particular event or action. However, no Council member will be required to take part in an event or action that he/she believes inappropriate or undignified. ~~Councilors should not attack the knowledge, skills, abilities, and personalities or impugn city staff members' motives in Council or any City meetings.~~

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

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

SECTION 6 – ORDER OF BUSINESS AND AGENDA

6.1 Order of Business - The general rule to the order of business at regular meetings of the City Council will be:

- a) **Call to Order** – The Presiding Officer shall call the meeting to order.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor's attendance or absence in the record, under the guidelines as set forth in Section 3.9 and 3.10 to establish a quorum is present to conduct business.
- c) **Flag Salute** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Special Orders of Business** – Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except Flag Salute, at the discretion of the Presiding Officer.
- e) **Public Testimony** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda scheduled for public hearing, during this portion of the meeting. Participants must use a microphone and state their name and ~~city of residence address~~ for the record prior to addressing Council. Testimony will be limited to three minutes, unless additional time is granted by the Presiding Officer. Items brought before the Council from the public during public testimony ~~may should~~ be referred to the staff for appropriate action and a report returned to the Council, if requested. Such procedure should not prevent the staff, Mayor, or City Council from answering directly to a citizen inquiry at the time it is brought before the Council.
- f) **Public Hearings** – A public hearing shall be held on each matter required by state law or City policy. Written and oral testimony shall be heard prior to Council action. (Procedures for public hearings are addressed in Section ~~86~~ of these procedures.)
- g) **Administrative Action** – Items that require formal action or Council direction on issues presented by staff.
- h) **Consent Calendar** – The consent agenda shall consist of a list of routine; non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion. Council members who wish to remove an item from the consent calendar shall do so prior to the motion to approve the items. Any item removed from the consent calendar shall be discussed and acted upon following approval of other consent agenda items.

- i) **Committee Reports** – Special reports from various boards, commissions, or neighborhood associations can be given at this time. In addition, an oath of office, award, proclamation, or Council liaison reports may also be presented.
- j) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not be specifically listed on the agenda, but formal action on these matters will be deferred until a subsequent Council meeting. This rule may be suspended ONLY if the matter is deemed urgent by two-thirds majority vote of the Council members present and cannot wait until the next special or regular City Council meeting. A motion to reconsider a previous motion may be acted upon without suspension of the rules, as outlined in Section 12.6.
- k) **Written Communications** – Opportunity to inform the Council on **significant** written communications and petitions.
- l) **Agenda Input** – Issues for upcoming Council meetings shall be announced by the Presiding Officer.
- m) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

The Presiding Officer may adjust the Order of Business.

6.2- Recess – The Presiding Officer may recess any meeting of the Council upon the consensus of the majority of the members present. The Presiding Officer shall announce the time in which the meeting shall reconvene.

6.3 Agenda Distribution – General practice will be copies of agendas for regular meetings shall be distributed not later than five (5) calendar days 48 hours prior to the meeting to members of the Council, staff, news media, neighborhood associations and interested citizens who have requested the agenda. Council members with questions, concerns or suggestions are encouraged to should communicate those to staff by no later than three (3) days before the meeting.

6.4 Councilors Placing or Removing an Item on the Agenda – A Councilor wishing to place an item on the agenda will advise the City Manager no later than seven (7) ten (10) seven (7) days prior to the regular meeting at which the item is to be considered. Such request to add an item for Council consideration shall require consent from two or more additional Council members to add the item. To remove an item requires notification to the City Manager and consent from one the Council member who placed the item on the agenda.

6.5 Special Accommodations – All Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans With Disabilities Act and that persons needing accommodations may contact the City

Recorder 48 hours prior to the meeting time to request the necessary accommodations. Such notice shall provide the telephone number at which the City Recorder may be contacted.

SECTION 7 – PUBLIC TESTIMONY

7.1 Public Comment Generally - Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of three minutes within which to make themselves heard. The Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner, as it deems appropriate.

7.2 Persons Sharing Common Concerns - If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group may select a spokesperson, which may present the views of the group to the Council to a maximum of five (5) minutes, unless additional time is granted by the Presiding Officer. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letters, videotapes, etc., may be presented to the City Recorder for consideration at the conclusion of the spokesperson's remarks.

7.3 Roster - All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the City Recorder, indicating the name of the person, the address of the person, and the subject of public concern on which the persons or groups wishes to address the Council. Those who have not signed the roster may address the Council at the discretion of the Presiding Officer.

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

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

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

SECTION 8 – PUBLIC HEARINGS

8.1 Public Hearings - A public hearing shall be held on each matter required by state law or City policy. The Presiding Officer shall preside over the hearing and announce the type of hearing and the guidelines for the hearing. The Presiding Officer shall declare the hearing to be open and invite the City Manager or member of the staff to present the staff report together with any petitions, letters, or written comments on the matter.

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

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

8.3 Testimony - Land-Use Public Hearings – In addition to the procedures outlined above, during a quasi-judicial hearing the speaking order will be:

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

8.4 Attorney Representation – Any person attending a hearing has the right to be represented by an attorney.

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

8.6 Reopening a Hearing – If it appears that substantial new factual material is necessary to reach a decision on the matter, the Council may, by majority vote, order the hearing reopened or refer the matter to a hearing before the City Hearings Officer or the City Planning Commission for further development of the record. In either case, a new notice of hearing shall be given.

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SECTION 9 – PROCEDURE FOR LAND-USE APPEALS

9.1 Decisions Appealable – Where final decision authority is granted to the Zoning Administrator, Planning Commission or Keizer Hearings Officer as defined by the Keizer Development Code, such decision shall be final unless the City Recorder receives a Notice of Appeal to the Council pursuant to ~~the guidelines set forth in~~ Section 3.207 of the Keizer Development Code.

9.2 Notice of Appeal – Every notice of appeal shall contain the material required and the fee as listed in the appeal provisions outlined in Section 3.207 and 3.208 of the Keizer Development Code.

9.3 Public Hearing Date and Notice – Upon receipt of an appeal of a decision of the Zoning Administrator or Hearings Officer, the City Recorder shall set a date for public hearing before the City Council not less than 30 days from the receipt of the appeal. Notice of the hearing shall be in accordance with the guidelines set forth in Section 3.204 of the Keizer Development Code.

9.4 Hearing by Council – The Council shall conduct a public hearing on the appeal at the time and place designated on the notice of hearing. The public hearing shall be conducted in accordance with the provisions of Section 3.205.03 through 3.205.06 of the Keizer Development Code and with the adopted Council Rules of Procedures. The appellant or a designated representative shall appear at said hearing and offer justification of the appeal. If the appellant or representative fails to do so, the appeal shall be denied.

9.5 Decision of Council – The City Council may affirm, amend, or reverse the action of the Hearings Officer, Planning Commission or Zoning Administrator and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and as provided for in ~~Section 3.202.02 of~~ the Keizer Development Code. The City Council may also remand the matter back to the Hearings Officer, Planning Commission or Zoning Administrator for additional information, subject to the agreement of the applicant to extend the 120-day review period.

9.6 Appeal Fee – An appeal fee established by the City Council shall be required to defray costs incidental to the proceedings and shall be paid at the time of filing an appeal. The appeal fee shall be determined by the City Council. This fee is not refundable unless the City Council upholds the appeal and reverses the order of the Hearings Officer or Zoning Administrator. However, the Council may refund some or the entire appeal fee, at its discretion, if a decision is not reversed but the conditions of approval are substantially revised.

SECTION 10 – CONFLICT OF INTEREST OR OTHER DISQUALIFICATIONS

10.1 Conflict of Interest – In every case in which a Councilor is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the conflict, shall remove themselves from the Council Chamberstable and refrain from both participation in the discussion and the vote on the issue. However, if the Councilor is a direct party on the issue, they will be allowed to remain in the Council Chambers.

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

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

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

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

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

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

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

they have done so.

SECTION 11 – CENSURE

11.1 Censure. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the remaining Councilors may issue a reprimand.

SECTION 12 – ORDINANCES, ORDERS, RESOLUTIONS, AND MOTIONS

12.1 Form – All Ordinances, Orders, and Resolutions shall be presented to the Council in print or type-written form.

12.2 Signing Of Official Documents - The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond. The Council President shall perform these functions whenever the Mayor is unavailable. ~~Only the Mayor or in the event the Mayor is unavailable the Council President are eligible to sign.~~

12.3 Enactment of Ordinances – All ordinances will be enacted pursuant to Chapter VIII of the Keizer City Charter.

12.4 Motion – Any Councilor moving a motion to be considered by the Council shall state the motion with clarity, specificity, and brevity so the matter is clearly understood.

12.5 Procedures In Handling Parliamentary Motions

- a) To move a motion, a Councilor must be recognized by the Presiding Officer at a time when there is no other business on the floor. The Councilor then says, "I move adoption of an ordinance..." or "I move approval of a resolution..."
- b) Another Council member seconds the motion. This can be done without being recognized by the Presiding Officer. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second and the Presiding Officer calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.
- c) The Presiding Officer ~~states~~ the question on the motion. This procedure is necessary for the motion to come before the Council. Prior to this step, the Presiding Officer can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Presiding Officer states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Presiding Officer to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.
- d) Debate then takes place on the motion. The original mover is entitled to the floor first. **Each member has the right to speak and to rebut any other speakers, but should not have the floor the second time until all who wish have spoken**

once. Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.

- e) The Presiding Officer then puts the question to a vote. When the debate appears to have closed, the Presiding Officer asks "are you ready for the question?" If no one claims the floor, the Presiding Officer restates the motion and calls for a vote.

12.6 Motion for Reconsideration - Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any Councilor who voted with the majority **or who was not present at the time of the vote**, may move for reconsideration of an action at the same or at the next regular meeting of the Council. A vote of reconsideration requires a **majority vote of those Councilors present**. A vote for reconsideration shall take place at the same meeting when there is no other business on the floor or at the next regular meeting of the Council under the Other Business portion of the meeting. A motion for suspension of the rules is not required. After a matter has been reconsidered, it shall not preclude the issue from being raised in the future, but not before the next regular meeting.

SECTION 13 – VOTING

13.1 Voting - The concurrence of a majority of the members of the Council in attendance, voting when a quorum of the Council is present shall decide any question before the Council. The Presiding Officer will have a vote on all questions before the Council. It is considered inappropriate for members to explain their action once the vote has been called for and until after the vote has been taken during any type of voting. ~~A member may participate and vote by telephone.~~ ~~Any member of the Council may request an alternative method of voting on any issue.~~

13.2 Abstentions – Any Councilor abstaining should state the reason for the abstention. An abstention does not count as either an affirmative or negative vote and shall not be counted toward the number of votes required to pass or reject a motion.

13.3 Methods of Voting ~~—A vote can be taken in different ways.—~~ The standard is the voice vote, however the Presiding Officer may decide the type of vote unless directed otherwise by a majority of the Council.

- **Voice Vote:** This is the standard method when no more than a majority vote is required. The ayes are called for first and then the nays.
- **Show of Hands:** This can be used as an alternative to a voice vote, in verifying an inconclusive voice vote or when a two-thirds vote is required for adoption.
- **Vote by Written Ballot:** This is another method that is normally used only in cases of elections or a matter where initial confidentiality is needed. Each Councilor shall place their signature on the ballot and the results (including each Councilor's specific vote) must be made public immediately following the vote.
- ~~**Alternative Methods:** Any member of the Council may request an alternative method of voting on any issue.~~
- **Roll Call:** In this method, the City Recorder calls the name of each Councilor and the Councilor responds with his or her vote on the matter. Council members will be called by position number, with the Mayor being called last.

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13.4 Unanimous Consent: The Presiding Officer may use unanimous consent as a voting method if it appears that all of the Council members present agree on a particular position or direction. If any Councilor objects, a formal vote shall be taken.

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

13.6 Voting Results: - The Presiding Officer announces the voting result. This step is always included to ensure Council understanding of the outcome and so that the Recorder will be able to accurately reflect the outcome in the minutes. If a motion ends in a tie, the motion will be considered lost.

13.7 Changing Vote: A Council member has the right to change their vote up to the time the vote is finally announced. After that, they can make the change only by permission of the Council, which may be given by unanimous concurrence of Council~~general consent; that is, by no Council member objecting when the Presiding Officer inquires if any one objects~~. If an objection is made, a motion may be made to grant the permission. The motion is undebatable.

SECTION 14 – MINUTES

14.1 Recording of Minutes: Minutes are the official record of the City Council meetings. They record the substance of a meeting and are a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript, and the meeting does not have to be sound recorded unless otherwise required by law. For practical purposes, however, it is general practice to sound record the meetings of the City Council for back up reference. Reporting actions taken is the single most important segment of the final minutes. The minutes are to include, at a minimum:

- a) Kind of meeting (regular, special, work session, etc.)
- b) The name of the body meeting (City Council, Urban Renewal Agency, Budget Committee, etc.)
- c) Date of the meeting and place where it is held.
- d) Name and title of Presiding Officer (usually the Mayor).
- e) All motions (main, amendments, withdrawals, etc.), with dispositions, with the name of the mover and, if applicable, the name of the seconded.
- f) Members present.
- g) Proposals, resolutions, orders, ordinances, and measures proposed and their disposition.
- h) Results of all votes and the vote of each member by name, including abstentions.
- i) The substance of any discussion on any matter.
- j) The name and [City of residence address](#), if available, on any person appearing before the City Council to offer testimony, and the substance of such testimony.
- k) Exhibits or written testimony subject to ORS 192.410 to 192.505.
- l) Reference to the appropriate ORS section under which an executive session was held.
- m) The signature of the individual taking the minutes.
- n) Signature lines for the Mayor and the Councilors.

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

14.3 Correction and Approval of Minutes - Approval of the minutes usually take place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the Consent Calendar. If minor changes are made to the minutes, a Councilor may offer such amendment prior to the Consent Calendar being approved. For extensive amendments, the minutes should be pulled off the Consent Calendar for consideration. All corrections that appear will appear in the minutes of the meeting when the changes took place. If a member of the Council is absent from the meeting, they should announce their absence and abstain from voting for approval of the minutes. When a Councilor is absent, the word "absent" shall be printed in place of a signature.

If a Councilor has a concern over the reporting of minutes, it is that Councilor's responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played, if necessary. It is not appropriate to expend staff time when only one member of Council is requesting the review.

14.4 Reading of Minutes: Unless the reading of the minutes of the previous Council meeting is requested by a majority of the Council, such minutes may be approved without reading if copies thereof have been previously furnished each Council member.

14.5 Executive Session Minutes – Minutes from Executive Sessions held pursuant to ORS 192.660 will be kept in the form of a tape recording. No transcription of Executive Session minutes will be made unless otherwise required by law.

SECTION 15 – PROCLAMATIONS

15.1 Request for Proclamations – Organizations or citizens requesting proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals on certain projects, shall be filed with the City Recorder. Upon receipt, the City Recorder will notify the Mayor of the request. If the Mayor approves the request, the City Recorder will prepare the proclamation for the Mayor's signature.

15.2 Reading of Proclamations – It will be at the discretion of the Mayor if a proclamation will be read at a City Council meeting or presented to the organization or group. It is preferred that a representative of the requesting organization be present to receive the proclamation.

SECTION 16 – COUNCIL VACANCIES/APPOINTMENTS

16.1 Vacancy of Council Position – Chapter VII – Section 29 of the Keizer City Charter outlines circumstances in which a Council position may become vacant. Vacant elective offices shall be filled by appointment. A majority vote of the remaining members of the Council shall be required to validate the appointment. Upon validation, the appointee's term of office shall begin and continue throughout the unexpired term of the predecessor.

16.2 Vacancy of Mayor Position – In the event the office of the Mayor becomes vacant, the Council President shall become Mayor. A new Council President shall be nominated accordingly from the remaining members of the Council. The Council then shall appoint a Councilor to fill the vacancy as set forth below.

16.3 Declaration of Vacancy – The vacant position shall be declared vacant by Resolution.

16.4 Process for Appointment – Upon declaration of the vacancy, a press release will be issued inviting members of the community, who meet the qualifications as outlined in the Charter, to submit a letter of interest and resume. Within 45 days of the declaration of vacancy, the Council may nominate all who have submitted their name for consideration, or Councilors can nominate individual candidates. At the point where it appears no more nominations are to be made, a motion shall be made to close the nominations, and upon two-thirds majority vote of all remaining Council members present, the nominations are closed.

16.5 Appointment Vote – The Mayor or Presiding Officer shall review the appointment process with members of the audience prior to any votes being taken. Written ballots shall be prepared containing the names of all of the nominated candidates. The following voting process will be followed:

- a) Each of the remaining members of the Council shall select one candidate and mark their ballot accordingly. If one candidate receives the majority of the votes of the remaining members of the Council, such candidate shall be appointed to fill the vacant position.
- b) If no candidate receives a majority vote of all remaining members of the Council on the first ballot, a second ballot shall be distributed. The second ballot shall contain the names of the two candidates receiving the most votes from the first ballot, unless a tie resulted from the first ballot. -In a **first place** tie situation, all first place candidates will be placed on the second ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on the second ballot. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving a majority of the votes of the remaining members of the

Council shall then be appointed to the vacant position.

- c) If no candidate receives a majority vote of all remaining members of the Council on the second ballot, a third and final ballot shall be distributed. The third and final ballot shall will be prepared containing the names of the two-two candidates receiving the most votes from the second ballot, unless a tie resulted from the second ballotreceiving the most votes from the second ballot, unless a tie resulted from the the second ballot. In a first place tie situation, all first place candidates will be placed on the third and final ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed onpm a third and final ballot, or all first place candidates in case of a tie in the second vote. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving the majority of the votes of the remaining members of the Council shall be appointed to the vacant position. In case of a tie vote on this third and final vote, the Council will select the replacement Councilor according to the procedure outlined in Section 16.6 – Tie Votes – Appointment Process.

- d) By Resolution, the Council shall validate the appointment.

16.6 Tie Votes – Appointment Process ~~– If no candidate receives a majority vote of all remaining members of the Council on the third and final ballot vote of the appointment voting process, the names of the two-two candidates receiving the most votes from the third and final ballot will be placed in an official city bucket, unless a tie resulted from the third and final ballot. (or all first place candidates in case of a tie) receiving a majority vote of the remaining members of the Council, will be placed in an official city bucket. In a first place tie situation, all first place candidates will be placed in the official city bucket. If there is a one first place candidate and tied second place candidates, then all first and second placed candidates' names will be placed in the official city bucket. The City Recorder will draw the successful name.~~

16.7 Tie Votes – Council Election – When two or more candidates running for the same Council position, have an equal and the highest number of votes, the successful candidate will be determined by a drawing of lots. Upon confirmation of a recount by the Marion County Elections Division, this determination shall take place at the first regularly scheduled meeting after such recount confirmation~~the general election~~. The Council will use the same process to determine the successful candidate as outlined in Section 16.6 – Tie Votes – Appointment Process.

SECTION 17 – CREATION OF CITY COMMITTEES, BOARDS AND COMMISSIONS AND COUNCIL COMMITTEES AND AD-HOC TASK FORCES

17.1 Citizens Committees, Boards and Commissions. -- At any time, the Council may by resolution establish any City Board, Commission or Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as members. Unless otherwise provided, all City Boards, Commissions, and Committees so created shall sunset at the end of their mission, but in all events shall be reviewed every four years in odd numbered years, prior to Councilor liaison appointment. At such time the City Board, Commission or Committee shall either be re-authorized or dissolved.

17.2 Membership Appointment –The Volunteer Coordinating Committee is the only standing City Committee that receives members by direct appointment from the City Council. Each City Councilor will make a one-member appointment to the Volunteer Coordinating Committee as allowed in Resolution 2001-1295 for a two-year term. All other applicants for City Boards, Commissions or Committees will be recommended by the members of the Volunteer Coordinating Committee who will receive, review, and process written applications and forward recommendations to the Council for appointment consideration, unless the Resolution, Ordinance, or State Statute defines the appointment process differently.

17.3 Qualifications - No appointee may serve on more than two City Boards, Commissions or Committees at any one time, without Council approval. Planning Commission and Budget Committee members are required to be appointed from the electorate. All of other City Boards, Commissions, Committee or Task Force members must have reasonable ties to the community shall be appointed pursuant to Council Resolution or Ordinance.

17.4 Removal of Members of Committees, Boards, and Commissions – The Council may remove any member of any committee, board, or commission, by a vote of at least a two-thirds majority of the Council. All members of City Boards, Commissions or Committees serve at the pleasure of the Council except as otherwise provided by law. All Council seats on City Board of Commissions or Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission or Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed by the Mayor as a replacement.

17.54 Council Task Forces - Council Ad-Hoc Task Forces may be created at any time by resolution. All Council Ad-Hoc Task Forces shall have a City Councilor as Chair who shall be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such Task Force shall report to the Council without unnecessary delay upon matters referred to them. All Council Ad-Hoc

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Task Forces so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period two years from the date of initial creation, and at the beginning of each subsequent two year period after reauthorization, in January of odd years prior to Councilor appointment, and at such time shall either be re-authorized or dissolved.

17.65 Meetings Subject to Oregon Open Meetings Law - All meetings of any City Boards, Commissions, and Lay-Committees or Council Committee shall be subject to and comply with the Oregon Public Meetings law, ORS 192.610-192.710.

17.76 Registry - The City Recorder shall prepare, keep current and retain on file in the Office of the City Recorder a list of all appointees to all City Boards, Commissions, Committees and Council Ad-Hoc Task Forces, the date of their appointment, the length of their unexpired term, and their addressees and phone numbers. All Councilors shall be given a copy of this list at least once yearly, or upon any substantial change in membership of any City Board, Commission, Committee or Council Task Force.

17.87 Youth Councilor – Each school year one youth Councilor may be appointed as a non-voting member of the Council. To receive this appointment the candidate must attend McNary High School or be a resident of Keizer and would qualify as an elector~~ate~~ if they were or are 18 years of age. The appointment shall be by majority vote of the Councilors present.

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17.98 Outside Committees – Each Councilor shall keep the Mayor informed of any and all other committees, task forces, appointments, etc. of other groups, agencies or jurisdictions that the Councilor may be involved in.

SECTION 18 – ELECTRONIC MAIL

18.1 Electronic Mail – The Council will observe the following guidelines when using an electronic method for correspondence in their elected roles:

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

SECTION 19 – CITY COUNCIL GOAL SETTING

19.1 Council Goal Setting

- 1) **Goal Setting Parameters.** The City Council shall set goals at a minimum of every two years to coincide with mayoral terms of office. The goals shall include *Short Term Goals* that the Council plans on completing within the next 24 months and *Long Term Goals* that the Council plans to work on during the next two years, but will take longer to complete than 24 months.
- 2) **Creation of initial list.** Following the election in November of even numbered years, the newly elected Council members shall meet with the current Council members in a work session meeting to establish an initial list of potential Council goals. This initial “brainstorming” session shall be completed by 12/31 of the election year.
- 3) **Work Session.** During the first calendar quarter of the year~~The first work session in January~~ following an election a work session shall be dedicated to Council Goal Setting. During this work session the initial list of potential Council goals will be refined and amended to reflect the needs, and goals of the community. These goals shall reflect, but not be limited to, the goals established in the City's Strategic Plan; Master Plans~~Keizer Futures~~, community input ~~received from the annual City Survey~~, city staff, city committees and City Councilors.
- 4) **Adoption.** Council Goals shall be adopted at a regular meeting of the Keizer City Council no later than the second regular session in April~~March~~ of the year following an election.

SECTION 20 – CITY COUNCIL TRAINING

Section 20.1 Councilor Training – All Councilors are ~~encouraged~~expected to attend at least one City affiliated training seminar/conference per calendar year. ~~The annual events that qualify are listed below~~For example:

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

Section 20.2 – Mayor’s Training - In addition to the above expectation, the Mayor is expected to represent the City at the annual conferences of the Oregon Mayor’s Association.

Section 20.3 – Reimbursement Allowance - ~~Any~~ reimbursement allowance must ~~comply with City of Keizer Personnel Policies for travel, meals not included with the training session, and overnight accommodations expenses may be requested for those conferences that are held a location that is at least 50 driving miles distance from Keizer, or with approval of the Council. Councilors are expected to use their discretion when selecting accommodations for overnight travel and meals and should use established state/city negotiated rates for lodging.~~

Section 20.4 – Council Approval – Council members requesting additional training with City reimbursement must do so with Council approval.

SECTION 21 – MISCELLANEOUS

Section – 21.1 - Amendments to Council Rules. Amendments to these rules shall be by made by resolution.

Section 21.2 - Anonymous Communications - Anonymous and unsigned communications shall not be introduced in Council meetings.

Signature Page

The foregoing Council Rules were adopted ~~as amended~~ by the City Council on the ~~20thth~~ day of August, 2012 by Resolution 2012-~~xxx.1st~~ day of December, 2003 by Resolution 2003-1452. By signing below the City Council members affirm they have read and received a copy of these rules.

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2012 2003-2004 City Council:

Mayor Lore Christopher

Councillor ~~President~~ Cathy Clark ~~Michel Gaynor~~

Councillor Mark Caillier ~~Charles Lee~~

Councillor Joe Egli ~~Jacque Moir~~

Councillor David McKane ~~Judy Smith~~

Councillor Brandon Smith ~~James Taylor~~

Councillor James Taylor ~~Richard Walsh~~

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2012-_____

**ADOPTING THE CITY OF KEIZER COUNCIL RULES OF
PROCEDURE; REPEALING RESOLUTIONS R2003-1452,
R2006-1655, AND ANY OTHER PREVIOUS RESOLUTIONS
RELATING TO THE CITY COUNCIL RULES OF
PROCEDURE FOR THE CITY OF KEIZER**

WHEREAS, the City Charter of the City of Keizer grants the authority for the
City Council to adopt Council Rules of Procedure;

WHEREAS, the City Council adopted procedures in 1983, which have been
repealed and amended through the years;

WHEREAS, the City Council has determined that the Council Rules of Procedure
should be updated for readability, development of new policies, and to reflect desired
changes;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that the City of
Keizer City Council Rules of Procedure attached hereto and by this reference made a part
hereof, are hereby adopted.

///

///

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1

2 BE IT FURTHER RESOLVED that Resolutions R2003-1452, R2006-1654, and
3 any other previous resolutions relating to the City Council Rules of Procedure are hereby
4 repealed in their entirety.

5 PASSED this _____ day of _____, 2012.

6

7 SIGNED this _____ day of _____, 2012.

8

9

10

Mayor

11

12

13

City Recorder



CITY COUNCIL RULES OF PROCEDURE

Adopted by Council Resolution R2012-_____ on August 20, 2012



CITY OF KEIZER COUNCIL RULES OF PROCEDURE

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SECTION 1 - AUTHORITY

1.1 Authority - The Charter of the City of Keizer provides that the Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the Council until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd-number years following general elections. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules. The City recorder shall retain the signature copy.

SECTION 2 - GENERAL RULES

2.1 Open Meetings – All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law. No final action by the Council shall have legal effect unless the motion and the vote by which it is disposed of, take place at a proceeding that are open to the public.

2.2 Ethics – All elected officials will comply with Chapter 244 – Government Ethics of the Oregon Revised Statutes.

2.3 Quorum – A majority of the members of the Council shall constitute a quorum for its business, but no less than three Councilors may meet and compel the attendance of absent members. If a quorum is not present, those in attendance will be recorded, and the City Recorder will adjourn the meeting.

2.4 Rules of Order – *Robert's Rules of Order Newly Revised* shall govern all Council proceedings unless they conflict with these rules. The Council President will act as parliamentarian with support from the City Attorney when present.

2.5 Suspension of Rules – The vote to suspend the Rules of Procedure (including *Robert's Rules of Order Newly Revised*) requires a two-thirds majority vote of those members of the Council who are present, except as set forth in Section 6.1(j). If the motion is carried by a two-thirds vote, then the rules are suspended for that item only.

2.6 Address by Council Members – Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Manager. The City Manager may respond as requested or redirect the inquiry to a member of the staff.

2.7 Seating Capacity and Safety Requirements – The safe occupancy and seating capacity of the Council chambers as determined by the fire marshal shall be posted within the Council chambers. The limitations on occupancy and seating shall be complied with at all times. Aisles and emergency exits shall be kept clear at all times.

SECTION 3 – COUNCIL MEETINGS

3.1 Regular Meeting - The Keizer City Council will meet in regular session on the first and third Mondays of each month at 7:00 p.m. in the Robert L. Simon Council Chambers or at another place in the City which the City Council designates. If such date falls on a legal holiday (per ORS Chapter 187), the meeting shall be held at the usual hour and place on the following day.

3.2 Work Session – The Keizer City Council may hold a work session on the second Monday of each month in the Robert L. Simon Council Chambers or at another time or place in the City in which the City Council designates. Such sessions shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with **no vote** or **formal action** taken. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members.

3.3 Special Meeting – The Presiding Officer, upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council. At least 24 hours notice shall be given for the meeting. Special meetings of the Council may also be held at any time by the common consent of all members of the Council. Only the subjects listed on the special meeting agenda may be acted upon.

3.4 Emergency Meeting – An emergency meeting of the City Council may be called by the Presiding Officer or City Manager on less than 24 hours' notice provided that an actual emergency exists. The minutes of the meeting must describe the emergency justifying less than 24 hours notice and why the meeting could not be delayed. Attempts will be made to contact the media to provide notice of the emergency meeting.

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

Prior to opening an executive session the Presiding Officer shall:

- announce the purpose of the executive session,

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

An executive session may be held during any open meeting for which proper notice has been given or outside of any regular meeting when properly noticed. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered.

3.6 Cancellation of Meeting - Upon a majority vote of the members of the City Council present, a meeting may be canceled when deemed appropriate. The Charter requires one regular meeting be held each month. Notice of cancellation shall be posted on the bulletin board at City Hall, City's web site and social media sites, distributed to members of the media, and to known interested citizens.

3.7 Notice of Meeting – The City Recorder shall provide:

- notice of the time,
- place, and
- agenda items for any gathering of the Keizer City Council.

Notice shall be posted on the bulletin board at City Hall, posted on the City's web site, delivered by mail or otherwise to members of the media, and other interested persons upon written request. Notice shall be given at least 24 hours prior to the meeting to members of the governing body, the public and media for any special meeting, unless the meeting is considered an emergency as defined by law. Notice of executive sessions shall cite the specific law that authorizes the executive session.

3.8 – Americans With Disabilities Act – All meetings of the Council shall be held in compliance with the Americans With Disabilities Act.

3.9 – Attendance Duty – It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Chapter VII – Section 29 that a Council office will be deemed vacant upon his or her absence from meetings of the Council for 60 days without like consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

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

Telephonic, video or internet attendance does not ensure that all testimony, discussions, staff information and deliberations are available fully and equally. Therefore methods of attendance other than personal onsite attendance shall not be considered "in attendance."

3.10 – Excused Absence – When any Council member cannot attend a meeting of the Council, the member shall notify the Presiding Officer prior to the meeting. If there are no objections from other Councilors, the Presiding Officer may announce the absence is for good cause and the absence shall be listed in the minutes as excused. If the City Council determines the absence is not for good cause, the absence shall be listed in the minutes as unexcused.

SECTION 4 – THE PRESIDING OFFICER

4.1 Mayor – The Mayor shall preside at all regular, work sessions, special meetings and executive sessions of the City Council and shall be the recognized head of the City for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as Presiding Officer. In the absence of the Mayor, the Council President shall serve as the Presiding Officer. In the absence of both the Mayor and Council President, the office of both or either shall be filled pro tem by the Councilor with the longest continuous service on Council from the Councilors present and business transacted accordingly.

4.2 Council President – At the first meeting of the Council in each odd-numbered year, the Council will elect a Council President from its members by majority vote of those Council members present. The Councilor with the longest continuous tenure, who has not served as Council President previously, will be nominated. Others may be nominated from the Council, including the current Council President. In the event that no candidate receives a majority vote, a second vote will be conducted. The first place candidates shall be nominated. If there is only one first place candidate, such candidate and all second place candidates shall be nominated. If no candidate receives a majority vote, the candidates in the second vote will draw lots to determine the Council President.

Whenever the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor. The Council President will initiate a motion for all prepared resolutions and ordinances and the consent calendar unless another Councilor has requested to do so or initiate the action.

4.3 Sergeant at Arms – The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms. In the absence of the Council President, the Sergeant at Arms will be filled by the Councilor with the longest continuous service on Council from the Councilors present.

SECTION 5 – DECORUM AND ORDER

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

5.2 Councilors – Council members 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 Presiding Officer or these Rules. Council members shall when addressing staff, council members or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, should not impugn the motives of any speaker. Council members shall at all times conduct themselves in a manner appropriate to the dignity of their office. Council may determine by simple majority the appropriateness of a particular event or action. However, no Council member will be required to take part in an event or action that he/she believes inappropriate or undignified.

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

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

SECTION 6 – ORDER OF BUSINESS AND AGENDA

6.1 Order of Business - The general rule to the order of business at regular meetings of the City Council will be:

- a) **Call to Order** – The Presiding Officer shall call the meeting to order.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor's attendance or absence in the record, under the guidelines as set forth in Section 3.9 and 3.10 to establish a quorum is present to conduct business.

- c) **Flag Salute** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Special Orders of Business** – Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except Flag Salute, at the discretion of the Presiding Officer.
- e) **Public Testimony** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda scheduled for public hearing, during this portion of the meeting. Participants must use a microphone and state their name and city of residence for the record prior to addressing Council. Testimony will be limited to three minutes, unless additional time is granted by the Presiding Officer. Items brought before the Council from the public during public testimony may be referred to the staff for appropriate action and a report returned to the Council, if requested. Such procedure should not prevent the staff, Mayor, or City Council from answering directly to a citizen inquiry at the time it is brought before the Council.
- f) **Public Hearings** – A public hearing shall be held on each matter required by state law or City policy. Written and oral testimony shall be heard prior to Council action. (Procedures for public hearings are addressed in Section 8 of these procedures.)
- g) **Administrative Action** – Items that require formal action or Council direction on issues presented by staff.
- h) **Consent Calendar** – The consent agenda shall consist of a list of routine; non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion. Council members who wish to remove an item from the consent calendar shall do so prior to the motion to approve the items. Any item removed from the consent calendar shall be discussed and acted upon following approval of other consent agenda items.
- i) **Committee Reports** – Special reports from various boards, commissions, or neighborhood associations can be given at this time. In addition, an oath of office, award, proclamation, or Council liaison reports may also be presented.
- j) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not be specifically listed on the agenda, but formal action on these matters will be deferred until a subsequent Council meeting. This rule may be suspended ONLY if the matter is deemed urgent by two-thirds majority vote of the Council members present and cannot wait until the next special or regular City Council meeting. A motion to reconsider a previous motion may be acted upon without suspension of the rules, as outlined in Section 12.6.

- k) **Written Communications** – Opportunity to inform the Council on **significant** written communications and petitions.
- l) **Agenda Input** – Issues for upcoming Council meetings shall be announced by the Presiding Officer.
- m) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

The Presiding Officer may adjust the Order of Business.

6.2 Recess – The Presiding Officer may recess any meeting of the Council upon the consensus of the majority of the members present. The Presiding Officer shall announce the time in which the meeting shall reconvene.

6.3 Agenda Distribution – General practice will be copies of agendas for regular meetings shall be distributed not later than five (5) calendar days prior to the meeting to members of the Council, staff, news media, neighborhood associations and interested citizens who have requested the agenda. Council members with questions, concerns or suggestions are encouraged to communicate those to staff by no later than three (3) days before the meeting.

6.4 Councilors Placing or Removing an Item on the Agenda – A Councilor wishing to place an item on the agenda will advise the City Manager no later than seven (7) days prior to the regular meeting at which the item is to be considered. Such request to add an item for Council consideration shall require consent from two or more additional Council members to add the item.

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

SECTION 7 – PUBLIC TESTIMONY

7.1 Public Comment Generally - Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of three minutes within which to make themselves heard. The Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner, as it deems appropriate.

7.2 Persons Sharing Common Concerns - If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the

time for public comment, the group may select a spokesperson, which may present the views of the group to the Council to a maximum of five (5) minutes, unless additional time is granted by the Presiding Officer. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letters, videotapes, etc., may be presented to the City Recorder for consideration at the conclusion of the spokesperson's remarks.

7.3 Roster - All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the City Recorder, indicating the name of the person, the address of the person, and the subject of public concern on which the persons or groups wishes to address the Council. Those who have not signed the roster may address the Council at the discretion of the Presiding Officer.

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

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

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

SECTION 8 – PUBLIC HEARINGS

8.1 Public Hearings - A public hearing shall be held on each matter required by state law or City policy. The Presiding Officer shall preside over the hearing and announce the type of hearing and the guidelines for the hearing. The Presiding Officer shall declare the hearing to be open and invite the City Manager or member of the staff to present the staff report together with any petitions, letters, or written comments on the matter.

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

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

8.3 Testimony - Land-Use Public Hearings – In addition to the procedures outlined above, during a quasi-judicial hearing the speaking order will be:

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

8.4 Attorney Representation – Any person attending a hearing has the right to be represented by an attorney.

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

8.6 Reopening a Hearing – If it appears that substantial new factual material is necessary to reach a decision on the matter, the Council may, by majority vote, order the hearing reopened or refer the matter to a hearing before the City Hearings Officer or the City Planning Commission for further development of the record. In either case, a new notice of hearing shall be given.

SECTION 9 – PROCEDURE FOR LAND-USE APPEALS

9.1 Decisions Appealable – Where final decision authority is granted to the Zoning Administrator, Planning Commission or Keizer Hearings Officer as defined by the Keizer Development Code, such decision shall be final unless the City Recorder receives a Notice of Appeal to the Council pursuant to Section 3.207 of the Keizer Development Code.

9.2 Notice of Appeal – Every notice of appeal shall contain the material required and the fee as listed in the appeal provisions outlined in Section 3.207 and 3.208 of the Keizer Development Code.

9.3 Public Hearing Date and Notice – Upon receipt of an appeal of a decision of the Zoning Administrator or Hearings Officer, the City Recorder shall set a date for public hearing before the City Council not less than 30 days from the receipt of the appeal. Notice of the hearing shall be in accordance with the guidelines set forth in Section 3.204 of the Keizer Development Code.

9.4 Hearing by Council – The Council shall conduct a public hearing on the appeal at the time and place designated on the notice of hearing. The public hearing shall be conducted in accordance with the provisions of Section 3.205.03 through 3.205.06 of the Keizer Development Code and with the adopted Council Rules of Procedures. The appellant or a designated representative shall appear at said hearing and offer justification of the appeal. If the appellant or representative fails to do so, the appeal shall be denied.

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

9.6 Appeal Fee – An appeal fee established by the City Council shall be required to defray costs incidental to the proceedings and shall be paid at the time of filing an appeal. The appeal fee shall be determined by the City Council. This fee is not refundable unless the City Council upholds the appeal and reverses the order of the Hearings Officer or Zoning Administrator. However, the Council may refund some or the entire appeal fee, at its discretion, if a decision is not reversed but the conditions of approval are substantially revised.

SECTION 10 – CONFLICT OF INTEREST OR OTHER DISQUALIFICATIONS

10.1 Conflict of Interest – In every case in which a Councilor is faced with a potential conflict of interest or an actual conflict of interest, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the conflict, shall remove themselves from the Council Chambers and refrain from both participation in the discussion and the vote on the issue. However, if the Councilor is a direct party on the issue, they will be allowed to remain in the Council Chambers.

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

An **actual** conflict of interest would be any action, decision, or recommendation

in which the effect **would** be to the private pecuniary benefit or detriment of the Councilor or relative of the Councilor or any business which the Councilor or Councilor's relative is associated.

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

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

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

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

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

SECTION 11 – CENSURE

11.1 Censure. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the remaining Councilors may issue a reprimand.

SECTION 12 – ORDINANCES, ORDERS, RESOLUTIONS, AND MOTIONS

12.1 Form – All Ordinances, Orders, and Resolutions shall be presented to the Council in print or type-written form.

12.2 Signing Of Official Documents - The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond. The Council President shall perform these functions whenever the Mayor is unavailable.

12.3 Enactment of Ordinances – All ordinances will be enacted pursuant to Chapter VIII of the Keizer City Charter.

12.4 Motion – Any Councilor moving a motion to be considered by the Council shall state the motion with clarity, specificity, and brevity so the matter is clearly understood.

12.5 Procedures In Handling Parliamentary Motions

- a) To move a motion, a Councilor must be recognized by the Presiding Officer at a time when there is no other business on the floor. The Councilor then says, "I move adoption of an ordinance..." or "I move approval of a resolution..."
- b) Another Council member seconds the motion. This can be done without being recognized by the Presiding Officer. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second and the Presiding Officer calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.
- c) The Presiding Officer states the question on the motion. This procedure is necessary for the motion to come before the Council. Prior to this step, the Presiding Officer can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Presiding Officer states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Presiding Officer to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.
- d) Debate then takes place on the motion. The original mover is entitled to the floor first. **Each member has the right to speak and to rebut any other speakers, but should not have the floor the second time until all who wish have spoken once.** Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.
- e) The Presiding Officer then puts the question to a vote. When the debate appears to have closed, the Presiding Officer asks "are you ready for the question?" If no one claims the floor, the Presiding Officer restates the motion and calls for a vote.

12.6 Motion for Reconsideration - Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any Councilor who voted with the majority **or who was not present at the time of the vote**, may move for reconsideration of an action at the same or at the next regular meeting of the Council. A vote of reconsideration requires a **majority vote of those Councilors present**. A vote for reconsideration shall take place at the same meeting when there is no other business on the floor or at the next regular meeting of the Council under the Other Business portion of the meeting. A motion for suspension of the rules is not required. After a matter has been reconsidered, it shall not preclude the issue from being raised in the future, but not before the next regular meeting.

SECTION 13 – VOTING

13.1 Voting - The concurrence of a majority of the members of the Council in attendance, voting when a quorum of the Council is present shall decide any question before the Council. The Presiding Officer will have a vote on all questions before the Council. It is considered inappropriate for members to explain their action once the vote has been called for and until after the vote has been taken.

13.2 Abstentions – Any Councilor abstaining should state the reason for the abstention. An abstention does not count as either an affirmative or negative vote and shall not be counted toward the number of votes required to pass or reject a motion.

13.3 Methods of Voting –The standard is the voice vote, however the Presiding Officer may decide the type of vote unless directed otherwise by a majority of the Council.

- **Voice Vote**: This is the standard method when no more than a majority vote is required. The ayes are called for first and then the nays.
- **Show of Hands**: This can be used as an alternative to a voice vote, in verifying an inconclusive voice vote or when a two-thirds vote is required for adoption.
- **Vote by Written Ballot**: This is another method that is normally used only in cases of elections or a matter where initial confidentiality is needed. Each Councilor shall place their signature on the ballot and the results (including each Councilor's specific vote) must be made public immediately following the vote.
- **Roll Call**: **In this method**, the City Recorder calls the name of each Councilor and the Councilor responds with his or her vote on the matter. Council members will be called by position number, with the Mayor being called last.

13.4 Unanimous Consent: The Presiding Officer may use unanimous consent as a voting method if it appears that all of the Council members present agree on a particular position or direction. If any Councilor objects, a formal vote shall be taken.

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

13.6 Voting Results: The Presiding Officer announces the voting result. This step is always included to ensure Council understanding of the outcome and so that the Recorder will be able to accurately reflect the outcome in the minutes. If a motion ends in a tie, the motion will be considered lost.

13.7 Changing Vote: A Council member has the right to change their vote up to the time the vote is finally announced. After that, they can make the change only by permission of the Council, which may be given by unanimous concurrence of Council. If an objection is made, a motion may be made to grant the permission. The motion is undebatable.

SECTION 14 – MINUTES

14.1 Recording of Minutes: Minutes are the official record of the City Council meetings. They record the substance of a meeting and are a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript, and the meeting does not have to be sound recorded unless otherwise required by law. For practical purposes, however, it is general practice to sound record the meetings of the City Council for back up reference. Reporting actions taken is the single most important segment of the final minutes. The minutes are to include, at a minimum:

- a) Kind of meeting (regular, special, work session, etc.)
- b) The name of the body meeting (City Council, Urban Renewal Agency, Budget Committee, etc.)
- c) Date of the meeting and place where it is held.
- d) Name and title of Presiding Officer (usually the Mayor).
- e) All motions (main, amendments, withdrawals, etc.), with dispositions, with the name of the mover and, if applicable, the name of the seconded.
- f) Members present.
- g) Proposals, resolutions, orders, ordinances, and measures proposed and their disposition.
- h) Results of all votes and the vote of each member by name, including abstentions.
- i) The substance of any discussion on any matter.
- j) The name and City of residence, if available, on any person appearing before the City Council to offer testimony, and the substance of such testimony.
- k) Exhibits or written testimony subject to ORS 192.410 to 192.505.

- l) Reference to the appropriate ORS section under which an executive session was held.
- m) The signature of the individual taking the minutes.
- n) Signature lines for the Mayor and the Councilors.

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

14.3 Correction and Approval of Minutes - Approval of the minutes usually take place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the Consent Calendar. If minor changes are made to the minutes, a Councilor may offer such amendment prior to the Consent Calendar being approved. For extensive amendments, the minutes should be pulled off the Consent Calendar for consideration. All corrections that appear will appear in the minutes of the meeting when the changes took place. If a member of the Council is absent from the meeting, they should announce their absence and abstain from voting for approval of the minutes. When a Councilor is absent, the word "absent" shall be printed in place of a signature.

If a Councilor has a concern over the reporting of minutes, it is that Councilor's responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played, if necessary. It is not appropriate to expend staff time when only one member of Council is requesting the review.

14.4 Reading of Minutes: Unless the reading of the minutes of the previous Council meeting is requested by a majority of the Council, such minutes may be approved without reading if copies thereof have been previously furnished each Council member.

14.5 Executive Session Minutes – Minutes from Executive Sessions held pursuant to ORS 192.660 will be kept in the form of a tape recording. No transcription of Executive Session minutes will be made unless otherwise required by law.

SECTION 15 – PROCLAMATIONS

15.1 Request for Proclamations – Organizations or citizens requesting proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals on certain projects, shall be filed with the City Recorder. Upon receipt, the City Recorder will notify the Mayor of the request. If the Mayor approves the request, the City Recorder will prepare the proclamation for the Mayor's signature.

15.2 Reading of Proclamations – It will be at the discretion of the Mayor if a proclamation will be read at a City Council meeting or presented to the organization or

group. It is preferred that a representative of the requesting organization be present to receive the proclamation.

SECTION 16 – COUNCIL VACANCIES/APPOINTMENTS

16.1 Vacancy of Council Position – Chapter VII – Section 29 of the Keizer City Charter outlines circumstances in which a Council position may become vacant. Vacant elective offices shall be filled by appointment. A majority vote of the remaining members of the Council shall be required to validate the appointment. Upon validation, the appointee's term of office shall begin and continue throughout the unexpired term of the predecessor.

16.2 Vacancy of Mayor Position – In the event the office of the Mayor becomes vacant, the Council President shall become Mayor. A new Council President shall be nominated accordingly from the remaining members of the Council. The Council then shall appoint a Councilor to fill the vacancy as set forth below.

16.3 Declaration of Vacancy – The vacant position shall be declared vacant by Resolution.

16.4 Process for Appointment – Upon declaration of the vacancy, a press release will be issued inviting members of the community, who meet the qualifications as outlined in the Charter, to submit a letter of interest and resume. Within 45 days of the declaration of vacancy, the Council may nominate all who have submitted their name for consideration, or Councilors can nominate individual candidates. At the point where it appears no more nominations are to be made, a motion shall be made to close the nominations, and upon two-thirds majority vote of all remaining Council members present, the nominations are closed.

16.5 Appointment Vote – The Mayor or Presiding Officer shall review the appointment process with members of the audience prior to any votes being taken. Written ballots shall be prepared containing the names of all of the nominated candidates. The following voting process will be followed:

- a) Each of the remaining members of the Council shall select one candidate and mark their ballot accordingly. If one candidate receives the majority of the votes of the remaining members of the Council, such candidate shall be appointed to fill the vacant position.
- b) If no candidate receives a majority vote of all remaining members of the Council on the first ballot, a second ballot shall be distributed. The second ballot shall contain the names of the two candidates receiving the most votes from the first ballot, unless a tie resulted from the first ballot. In a first place tie situation, all first place candidates will be placed on the second ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on the second ballot. Each remaining member of the

Council shall select one candidate and mark their ballot accordingly. The candidate receiving a majority of the votes of the remaining members of the Council shall then be appointed to the vacant position.

- c) If no candidate receives a majority vote of all remaining members of the Council on the second ballot, a third and final ballot shall be distributed. The third and final ballot shall contain the names of the two candidates receiving the most votes from the second ballot, unless a tie resulted from the second ballot. In a first place tie situation, all first place candidates will be placed on the third and final ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on a third and final ballot. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving the majority of the votes of the remaining members of the Council shall be appointed to the vacant position. In case of a tie vote on this third and final vote, the Council will select the replacement Councilor according to the procedure outlined in Section 16.6 – Tie Votes – Appointment Process.
- d) By Resolution, the Council shall validate the appointment.

16.6 Tie Votes – Appointment Process – If no candidate receives a majority vote of all remaining members of the Council on the third and final vote, the names of the two candidates receiving the most votes from the third and final ballot will be placed in an official city bucket, unless a tie resulted from the third and final ballot. In a first place tie situation, all first place candidates will be placed in the official city bucket. If there is a one first place candidate and tied second place candidates, then all first and second placed candidates' names will be placed in the official city bucket. The City Recorder will draw the successful name.

16.7 Tie Votes – Council Election – When two or more candidates running for the same Council position, have an equal and the highest number of votes, the successful candidate will be determined by a drawing of lots. Upon confirmation of a recount by the Marion County Elections Division, this determination shall take place at the first regularly scheduled meeting after such recount confirmation. The Council will use the same process to determine the successful candidate as outlined in Section 16.6 – Tie Votes – Appointment Process.

SECTION 17 – CREATION OF CITY COMMITTEES, BOARDS AND COMMISSIONS AND COUNCIL COMMITTEES AND AD-HOC TASK FORCES

17.1 Citizens Committees, Boards and Commissions. - At any time, the Council may by resolution establish any City Board, Commission or Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as members. Unless otherwise provided, all City Boards, Commissions, and Committees so created shall sunset at the end of their mission, but in all events shall be

reviewed every four years in odd numbered years, prior to Councilor liaison appointment. At such time the City Board, Commission or Committee shall either be re-authorized or dissolved.

17.2 Membership Appointment –The Volunteer Coordinating Committee is the only standing City Committee that receives members by direct appointment from the City Council. Each City Councilor will make a one-member appointment to the Volunteer Coordinating Committee as allowed in Resolution 2001-1295 for a two-year term. All other applicants for City Boards, Commissions or Committees will be recommended by the members of the Volunteer Coordinating Committee who will receive, review, and process written applications and forward recommendations to the Council for appointment consideration, unless the Resolution, Ordinance, or State Statute defines the appointment process differently.

17.3 Qualifications - No appointee may serve on more than two City Boards, Commissions or Committees at any one time, without Council approval. Budget Committee members are required to be appointed from the electorate. All of other City Boards, Commissions, Committee or Task Force members shall be appointed pursuant to Council Resolution or Ordinance.

17.4 Removal of Members of Committees, Boards, and Commissions – The Council may remove any member of any committee, board, or commission, by a vote of at least a two-thirds majority of the Council. All members of City Boards, Commissions or Committees serve at the pleasure of the Council except as otherwise provided by law. All Council seats on City Board of Commissions or Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission or Committee occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed by the Mayor as a replacement.

17.5 Council Task Forces - Council Ad-Hoc Task Forces may be created at any time by resolution. All Council Ad-Hoc Task Forces shall have a City Councilor as Chair who shall be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such Task Force shall report to the Council without unnecessary delay upon matters referred to them. All Council Ad-Hoc Task Forces so created shall sunset at the end of their mission, but in all events shall be reviewed at the end of a period two years from the date of initial creation, and at the beginning of each subsequent two year period after reauthorization, in January of odd years prior to Councilor appointment, and at such time shall either be re-authorized or dissolved.

17.6 Meetings Subject to Oregon Open Meetings Law - All meetings of any City Boards, Commissions, and Lay-Committees or Council Committee shall be subject to and comply with the Oregon Public Meetings law, ORS 192.610-192.710.

17.7 Registry - The City Recorder shall prepare, keep current and retain on file in the Office of the City Recorder a list of all appointees to all City Boards, Commissions,

Committees and Council Ad-Hoc Task Forces, the date of their appointment, the length of their unexpired term, and their addressees and phone numbers. All Councilors shall be given a copy of this list at least once yearly, or upon any substantial change in membership of any City Board, Commission, Committee or Council Task Force.

17.8 Youth Councilor – Each school year one youth Councilor may be appointed as a non-voting member of the Council. To receive this appointment the candidate must attend McNary High School or be a resident of Keizer and would qualify as an elector if they were or are 18 years of age. The appointment shall be by majority vote of the Councilors present.

17.9 Outside Committees – Each Councilor shall keep the Mayor informed of any and all other committees, task forces, appointments, etc. of other groups, agencies or jurisdictions that the Councilor may be involved in.

SECTION 18 – ELECTRONIC MAIL

18.1 Electronic Mail – The Council will observe the following guidelines when using an electronic method for correspondence in their elected roles:

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

SECTION 19 – CITY COUNCIL GOAL SETTING

19.1 Council Goal Setting

- 1) **Goal Setting Parameters.** The City Council shall set goals at a minimum of every two years to coincide with mayoral terms of office. The goals shall include *Short Term Goals* that the Council plans on completing within the next 24 months and *Long Term Goals* that the Council plans to work on during the next two years, but will take longer to complete than 24 months.
- 2) **Creation of initial list.** Following the election in November of even numbered years, the newly elected Council members shall meet with the current Council

members in a work session meeting to establish an initial list of potential Council goals. This initial “brainstorming” session shall be completed by 12/31 of the election year.

- 3) **Work Session.** During the first calendar quarter of the year following an election a work session shall be dedicated to Council Goal Setting. During this work session the initial list of potential Council goals will be refined and amended to reflect the needs, and goals of the community. These goals shall reflect, but not be limited to, the goals established in the City's Strategic Plan; Master Plans, community input city staff, city committees and City Councilors.
- 4) **Adoption.** Council Goals shall be adopted at a regular meeting of the Keizer City Council no later than the second regular session in April of the year following an election.

SECTION 20 – CITY COUNCIL TRAINING

Section 20.1 Councilor Training – All Councilors are encouraged to attend at least one City affiliated training seminar/conference per calendar year. For example:

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

Section 20.2 – Mayor’s Training - In addition to the above expectation, the Mayor is expected to represent the City at the annual conferences of the Oregon Mayor’s Association.

Section 20.3 – Reimbursement Allowance - Any reimbursement allowance must comply with City of Keizer Personnel Policies.

Section 20.4 – Council Approval – Council members requesting additional training with City reimbursement must do so with Council approval.

SECTION 21 – MISCELLANEOUS

Section – 21.1 - Amendments to Council Rules. Amendments to these rules shall be by made by resolution.

Section 21.2 - Anonymous Communications - Anonymous and unsigned communications shall not be introduced in Council meetings.

Signature Page

The foregoing Council Rules were adopted by the City Council on the 20th day of August, 2012 by Resolution 2012-____. By signing below the City Council members affirm they have read and received a copy of these rules.

2012 City Council:

Mayor Lore Christopher

Council President Cathy Clark

Councilor Mark Caillier

Councilor Joe Egli

Councilor David McKane

Councilor Brandon Smith

Councilor James Taylor



MINUTES
KEIZER CITY COUNCIL
Monday, July 16, 2012
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Christopher called the meeting to order at 7:00 p.m. Roll call was taken as follows:

Present:

Lore Christopher, Mayor
Cathy Clark, Council President
Jim Taylor, Councilor
Brandon Smith, Councilor
Joe Egli, Councilor
Mark Caillier, Councilor
David McKane, Councilor

Staff:

Chris Eppley, City Manager
Shannon Johnson, City Attorney
Nate Brown, Community
Development Director
Bill Lawyer, Public Works Director
Chief Adams, Police
Elizabeth Sagmiller, Environmental
Program Coordinator
Tracy Davis, City Recorder

FLAG SALUTE

Mayor Christopher led the pledge of allegiance.

**PUBLIC
TESTIMONY**

Vickie Hilgemann, Keizer, representing the Keizer Parks Foundation, reviewed various programs the group is sponsoring including the Wild Wild Rec Program, and the Wallace House Park celebration and sign. She offered as a gift one of the Wallace House signs to be hung at City Hall and added that the Foundation has formed a partnership with Keizer Homegrown Theatre who will be performing Macbeth at the Keizer Rotary Amphitheater.

Marlene Quinn, Keizer, also from the Keizer Parks Foundation, reviewed fundraisers that will be offered at the upcoming RiverFair event including dog pavers to benefit the dog park; flavored nuts and lemonade and a garage sale to be held on August 18, with half the proceeds going towards funding of the play structure at Willamette Manor Park.

Clint Holland, Keizer, explained that the recent concert was well attended. He questioned what needed to be done to get authorization for a free movie night at the amphitheater. City Attorney Shannon Johnson suggested it be put on the next agenda. Councilor McKane noted that since parks are open from sunrise to sunset, closing time would need to be addressed, and he questioned if West Keizer Neighborhood Association was on board. Mr. Holland responded that the event was

published in the flyer for the amphitheater and he had received no feedback from the Association. Mr. Lawyer indicated that he would contact them. Mr. Holland then asked if the signs he has used for the concerts can be used for RiverFair, Homegrown Theatre and the movie night to which Council agreed.

Jim Parent, Salem, representing the Parks Advisory Board, reported on the recent meeting including discussion about the Disc Golf course and planned tournament, review of naming park facilities, and issues with Keizer Tennis Association fundraising. He added that staff had informed the Board that the boat ramp construction is on schedule and a slide has been broken at Claggett Creek Park. Mr. Lawyer added that the slide should be replaced in about three weeks. Discussion then took place regarding the poison ivy at the park and fundraising. Councilor Smith added that the Parks Board had approved the building of a walking trail from Wallace House Park to the river as an Eagle Scout project by Scheafer Jones. He expects to have it complete by RiverFair.

Council then suggested that the following parks be included in the annual Parks Tour: Keizer Rapids Park (specifically the disc golf course and the boat ramp); Willamette Manor Park; and Wallace House Park.

Jim Jacks, Keizer, provided the Planning Commission update noting that the Commission had a public hearing regarding amendments to the Comprehensive Plan and Zone Code relating to the Chemawa Interchange Area Management Plan. A motion was passed to recommend Council approval of the proposed changes. He added that the vacancy on the Commission has been filled by Hersch Sangster.

PUBLIC HEARING

a. Birdie's Bistro Liquor License Application

City Manager Chris Eppley reported that an application was submitted for a Full On Premises Sales Liquor License for Birdie's Bistro in Keizer, Oregon. A public hearing was scheduled, notice published, necessary notification given, a background check was done, and Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application. Staff recommends that following a public hearing, Council recommend approval of the application.

Mayor Christopher opened the Public Hearing.

Shana and Troy Schmidt, owners of Birdie's Bistro, explained that breakfast and lunch will be served and reviewed the hours of operation. They indicated that they were familiar with the Responsible Vendor program.

With no further testimony, Mayor Christopher closed the Public Hearing.

Councilor Clark moved that the Keizer City Council recommend approval of the application for a Full On-Premises Sales liquor license for Birdie's Bistro under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer and to forward this recommendation to

the Oregon Liquor Control Commission for final approval. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Smith, McKane, Caillier, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

ADMINISTRATIVE ACTION

a. RESOLUTION ~ Authorizing City Manager to Enter Into Sole-Source Procurement Contract with GSI Water Solutions, Inc. for Groundwater Protectiveness Modeling

Elizabeth Sagmiller, Environmental Program Coordinator, provided information about the Keizer stormwater system and underground injection control (UIC) devices noting that many of the UIC's do not meet full State and Federal conditions. Therefore the City will be required to close those devices within 3-10 years unless it can demonstrate that the UIC's are protective of groundwater. She explained that the proposed model has been used by others successfully. The Keizer model will be developed based on Keizer's stormwater and the ability of Keizer soil to treat the stormwater.

Councilor Clark moved that Keizer City Council adopt a Resolution Authorizing City Manager to Enter Into Sole-Source Procurement Contract with GSI Water Solutions, Inc. for Groundwater Protectiveness Modeling. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Smith, McKane, Caillier, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

b. RESOLUTION ~ Authorizing the City Manager to Enter Into Contract with 4B Engineering and Consulting LLC for Water System Master Plan Update

Public Works Director Bill Lawyer explained that the current Master Plan was adopted in 2001 and since that time recommendations in the plan have been followed. However, unanticipated problems with some of the wells in addition to the Groundwater Rule by the State of Oregon and the development of Keizer Station, make is necessary to update the current master plan. It is also needed in order to complete the Water Management and Conservation Plan required by the Oregon Water Resources Division that has a completion deadline of January 2013.

Councilor Clark moved that Keizer City Council adopt a Resolution Authorizing the City Manager to Enter Into Contract with 4B Engineering and Consulting LLC for Water System Master Plan Update. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Smith, McKane, Caillier, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

- c. RESOLUTION ~ Establishing the Water Master Plan Update Task Force** Mr. Lawyer explained that the development of the Water Master Plan requires a task force to provide input and assistance and reviewed the suggested membership.
- Councilor Clark moved that Keizer City Council adopt a Resolution Establishing the Water Master Plan Update Task Force. Councilor Taylor seconded. Motion passed unanimously as follows:
- AYES: Christopher, Egli, Smith, McKane, Caillier, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)
- d. RESOLUTION ~ Amending the Traffic Safety/ Bikeways/ Pedestrian Committee** City Attorney Shannon Johnson explained that inclusion of a Fire District representative to the committee was not part in the motion at the previous meeting nor were appointments to the committee. Council then discussed including Keizer Fire District, Keizer Police and Marion County Fire District as non-voting members for their expertise. City Attorney suggested language changes to reflect that voting membership would be 9 and representatives from Marion County Fire District #1 and Keizer Fire District would serve as non-voting, ex officio members.
- Councilor Clark moved that the Keizer City Council adopt a Resolution Amending the Traffic Safety/ Bikeways/ Pedestrian Committee Amending Resolution R2012-2256 as amended. Councilor Taylor seconded. Motion passed unanimously as follows:
- AYES: Christopher, Egli, Smith, McKane, Caillier, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)
- Councilor Smith noted that "Other than the Keizer Fire District representative which shall be perpetual" in the first sentence under "Term of Office" of Appendix A should be deleted. Council consented to deletion of this.
- Mr. Johnson noted that line 10 on the roster should be deleted on the committee roster.
- Council Clark moved that the Keizer City Council appoint members to the Traffic Safety/Bikeways/Pedestrian Committee pursuant to the appendix as amended. Councilor Taylor seconded. Motion passed unanimously as follows:
- AYES: Christopher, Egli, Smith, McKane, Caillier, Taylor and Clark (7)
NAYS: None (0)
ABSTENTIONS: None (0)
ABSENT: None (0)

CONSENT CALENDAR

- a. RESOLUTION ~ Authorizing Disposition of Surplus Property
- b. Approval of June 4, 2012 Regular Session Minutes
- c. Approval of June 11, 2012 Work Session Minutes
- d. Approval of June 18, 2012 Regular Session Minutes
- e. Approval of July 2, 2012 Regular Session Minutes

Councilor Clark moved to approve the Consent Calendar. Councilor Taylor seconded. Motion passed unanimously as follows:

AYES: Christopher, Egli, Smith, McKane, Caillier, Taylor and Clark (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

COMMITTEE REPORTS

Councilor Smith announced the upcoming Stormwater Advisory Committee meeting.

Councilor Taylor reported that the Keizer Little League Task Force has had two meetings. He commended the City Manager and asked him to provide the report.

Councilor Clark reported that she had attended the celebration of the life of Marion County Sheriff's Deputy, Tyler Chapman. She commended the Keizer Police Department Honor Guard for a wonderful job and thanked the Chapman family for their service to the community.

Councilor McKane provided a recap of the Good Vibrations Motorcycle Rally and thanked Keizer Renaissance Inn, the City, Lakepoint Community Church, Marion County Fire District and a new business in town, Lux Lighting, who provided a generous donation.

OTHER BUSINESS

a. New Business or Old Business Issues

Community Development Director Nate Brown alerted Council that an appeal was filed on a subdivision decision that was rendered by the hearings examiner. The appeal will be a quasi judicial action of the Council.

City Manager Chris Eppley reported that he had met with the presidents of Keizer Little League and Keizer Youth Sports Association and it appears there is a path for successful union with both groups and the City entering into an agreement for long-term success of the park. Details are still being worked out but generally the City would make a recommendation to the Budget Committee to pick up some maintenance costs, insure buildings, and take care of graffiti. The two groups would work on an equal basis to run a baseball and softball program. Both groups feel City participation will be required to some extent, but have agreed to bring as many volunteers as possible to the table to make the City contribution as small as possible. The Little League Fields Task Force will make a recommendation to move forward on this basis.

Mayor Christopher commended Mr. Eppley for his efforts. Councilor Taylor added that there will be two programs but they will meld together

to take care of the fields. He commended the Presidents and thanked Mr. Eppley for his participation and good ideas.

Mr. Eppley added that proposals were received from Keizer Little League and Keizer Youth Sports in response to the Request for Proposals. However, it is appearing as though the direction from the Task Force is to scrub that process and enter into an agreement with a third party, an LLC made up of equal representation of both groups for the betterment of that park. There is no requirement to accept either of the submitted proposals.

**WRITTEN
COMMUNICATIONS**

None

AGENDA INPUT

July 23, 2012

5:45 p.m. – Special City Council Work Session
Council Rules of Procedure

August 6, 2012

7:00 p.m. – City Council Meeting

August 13, 2012

5:45 p.m. – City Council Work Session

August 20, 2012

7:00 p.m. – City Council Meeting

ADJOURNMENT

With no further business, the meeting adjourned at 8:20 p.m.

MAYOR:

APPROVED:

Lore Christopher

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

Councilor #1 – David McKane

Councilor #4 – Cathy Clark

Councilor #2 – Brandon Smith

Councilor #5 – Joe Egli

Councilor #3 – Mark Caillier

Councilor #6 – James Taylor

Minutes approved:
