

RESOLUTION 2008-014

A RESOLUTION REPLACING THE LA PINE CITY COUNCIL'S CURRENT RULES AND PROCEDURES WITH THE ADOPTION OF NEW RULES AND PROCEDURES.

WHEREAS, the City Council (the "City Council") for the City of La Pine ("City") has adopted certain City Council Rules and Procedures (the "Original Procedures"), which Original Procedures govern, among other things, the manner and method by which the City Council conducts its public meeting; and

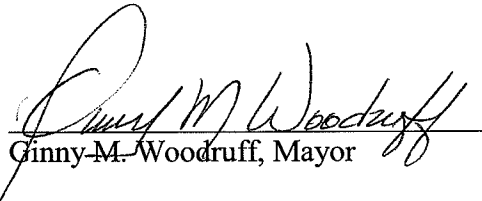
WHEREAS, the City Council amended the Original Procedures on April 30, 2008, by the City Council's adoption of Resolution 2008-004; and

WHEREAS, the City Council desires to replace the Original Procedures by the adoption of those certain Rules and Procedures attached hereto as Exhibit A (the "New Procedures");

NOW, THEREFORE, BE IT RESOLVED, by and through the La Pine City Council meeting in regular session, that the New Procedures are hereby adopted to replace and supersede the Original Procedures in their entirety.

BE IT FURTHER RESOLVED, that the New Procedures will serve as the City Council's Rules and Procedures from and after the date of this Resolution 2008-014.

APPROVED, ADOPTED, AND MADE EFFECTIVE by the La Pine City Council on this 12th day of November, 2008.


Ginny M. Woodruff, Mayor

ATTEST:


Luana K. Damerval, City Recorder

EXHIBIT A
Council Rules and Procedures
(attached)

**CITY OF LA PINE
COUNCIL RULES AND PROCEDURES**

1.0 MEETINGS

1.1 Regular Meetings. The La Pine City Council (the "Council") will hold a regular meeting at 6:00 p.m. on the second and fourth Wednesdays of each month and on the first Monday in January. Regular meetings will be held at the Meeting Room of the South Deschutes County Building at 51340 Hwy 97, La Pine, Oregon 97739. If a regular meeting date falls on a legal holiday (as defined by Oregon law), the Council will meet on the following day and such meeting will be a regular meeting. The Council may choose to move a regular meeting to an alternative location by providing the media and the public no less than 24 hours advance notice.

1.2 Executive Sessions. Executive sessions may be called by the Presiding Officer, by the request of a majority of the Council, the City Manager, or the City Attorney. A motion or notice calling for an executive session will identify the specific statutory authorization for the executive session. Executive sessions will be held in accordance with applicable Oregon law. Subject to and in accordance with applicable Oregon law, media representatives will be allowed to attend executive sessions. Final action on any matter discussed in executive session must be taken at an open meeting.

1.3 Special Meetings. A special meeting may be called at any time on the request of a majority of the Council, the Presiding Officer, the City Attorney, or the City Manager. Notice of the special meeting will be given to the Council members, the City Attorney, the City Manager, and the public. Notice of a special council meeting must be given at least 24 hours in advance.

1.4 Emergency Meetings. A special meeting called without 24 hours prior notice is an emergency meeting. An emergency meeting may be called when the Council could not reasonably have foreseen the need for meeting on a limited issue at a time when adequate notice could have been provided. The meeting will be limited to a discussion and action regarding the emergency. The notice for an emergency meeting will be provided as soon as possible after becoming aware of the emergency and the need for the meeting. An emergency meeting may be called by the Presiding Officer, the City Attorney, the City Manager, or a majority of the Council. Notice of the emergency meeting will be given to the Council members, the City Attorney, the City Manager, and the public. The minutes will indicate the reason for the emergency.

1.5 Work Sessions. Work sessions of the Council will be held for the purpose of studying or discussing City issues. Work sessions will be called by the Presiding Officer, a majority of the Council, the City Attorney, or the City Manager. No decisions may be made or action taken either formally or informally by the Council at any work session.

1.6 Cancellation, Reschedule, and Adjournment. Any meeting may be cancelled or rescheduled on the concurrence of a majority of the Council, but in no event will there be less than one meeting per month as required under ORS 221.120(9). Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting.

1.7 Oregon Public Meeting Laws. All Council meetings will be held in compliance with ORS 192.610 to 192.710, Oregon's Public Meeting Laws. Except for executive sessions held pursuant to ORS 192.660, all Council meetings will be open to the public.

2.0 COUNCIL AGENDA AND ORDER OF BUSINESS

2.1 Agenda - General. Unless otherwise directed by the Presiding Officer, staff will prepare an agenda for every Council meeting. Items may be placed on the regular meeting agenda by any Council member, the City Attorney, or the City Manager with approval from any Council member, but such items must be presented to staff not later than 12:00 p.m. on the Wednesday immediately preceding the meeting at which the items are to be discussed. Agendas and informational material for regular meetings will be distributed to the Council not later than 5:00 p.m. on the Thursday immediately preceding the subject meeting. Each agenda will contain the time, date, and place of the meeting and a brief description of the ordinances, resolutions, or other matters to be discussed.

2.2 Order of Business. The order of business for regular meetings will be as follows; provided, however, that the Council may change the order of business when the Council determines it is in the best interest of the public or the Council: (1) call to order; (2) establish a quorum; (3) pledge of allegiance; (4) added agenda items; (5) consent agenda; (6) land use public hearing - quasi judicial; (7) land use public hearing - legislative; (8) general public hearing; (9) legislative action; (10) other matters; (11) public comment for items not on agenda; (12) staff comments; (13) Council comments; and (14) adjournment.

2.3 Consent Agenda. In order to make more efficient use of meeting time, staff may place certain action items on a "consent agenda" to be considered at a Council meeting. Items placed on the consent agenda (1) must have been distributed to each member of the Council for reading and study before the subject meeting, (2) must be considered routine, and (3) must concern matters that no debate will be expected. Items placed on the consent agenda will be enacted or approved by one motion of the Council without separate discussion. If separate discussion is desired with respect to a particular matter listed within the consent agenda, that matter may be removed from the consent agenda and placed on the regular agenda by the request of any Council member.

2.4 Action Items. Only those items on the agenda will be acted on by the Council; provided, however, a matter deemed to be an emergency or of an urgent nature by the Presiding Officer, a Council member, the City Attorney, or the City Manager may be submitted for Council consideration and action at a meeting. Subject to the immediately preceding sentence, matters raised as new business which are not itemized on the agenda will be deferred.

2.5 New Business. The Mayor, City Manager, City Attorney, or a Council member may bring before the Council any new business under the "other matters" portion of the agenda. These matters need not be specifically listed on the agenda, but formal action on such matters will be deferred until a subsequent Council meeting, unless deemed an emergency or urgent under paragraph 2.3, above.

2.6 Citizen Agenda Items. Any citizen may submit a written request to the City Manager to place an item on a meeting agenda if received at least 7 days before the scheduled meeting.

3.0 CONDUCT OF MEETINGS AND VOTING

3.1 Call to Order. The Presiding Officer will take the chair precisely at the time appointed for the meeting and will immediately call the Council to order. If a quorum is not present, the Presiding Officer will immediately inform (or direct the City Recorder to inform) the absent

members (except those known to be unavoidably detained or absent) that their presence is required to enable the Council to proceed. If the absent member(s) do not appear after the notice, the members present will adjourn until a specific time or until the next regular meeting.

3.2 Roll Call. Before proceeding with Council business, the Presiding Officer will call the roll of the Council members and the names of those present will be entered into the minutes.

3.3 Quorum. A majority of the Council members will constitute a quorum for any action of the Council. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.

3.4 Voting - General. No action by the Council will have any legal effect unless concurred in by a majority of the Council. Unless otherwise provided by statute, ordinance, or resolution, all votes will be taken by voice and entered in full on the record; provided, however, upon demand by any Council member, a roll call vote will be made upon any question before the Council. A roll call vote will be used for all ordinances and resolutions. A Council member may not explain his or her vote during roll call.

3.5 Voting Procedure - General. When the question has been called for, the Presiding Officer will first ask for the Ayes followed by the Nays. After a vote has been taken, the Presiding Officer will announce the results of the vote. The results of every vote and the vote of each member by name will be entered upon the record. Every member present when a question is called will vote either Aye or Nay, unless the Council, by unanimous consent, excuses a member for a special reason or unless a member has a conflict of interest under applicable law, in which case no consent is required. There will be no debate on such a request. If any member declines to vote, and the result of such action will create a tie, that member's vote will be counted as an aye; in all other situations, that member's vote will be counted with the majority.

3.6 Reconsideration of Actions Taken. Any member who voted with the majority may move for a reconsideration of an action at the same or immediately following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration thereof will be made without unanimous consent of the Council.

3.7 Signing of City Documentation. Unless the Council directs otherwise, the Mayor will sign all ordinances, resolutions, agreements, memorandums, and contracts approved or adopted by the Council at the meeting at which the action was taken (or soon as practicable thereafter).

3.8 Expressing and Recording Dissents or Protests. Any Council member will have the right to express dissent from or protest against any ordinance, resolution, or decision of the Council and have the reason therefore entered on the Council minutes. Such dissent or protest may be verbal during the meeting or in writing and presented to Council not later than the next regular meeting following the date of passage of the ordinance, resolution, or decision objected to.

4.0 MINUTES

4.1 Recording of Minutes. Minutes of all Council meetings will be recorded in electronic form. Minutes will be maintained in the office of the City Recorder. The City Recorder will transcribe the Council meeting minutes and circulate the transcribed meeting minutes for the review of the Council members in advance of the upcoming Council meeting. Subject to and in accordance

with applicable law, the meeting minutes will be available for public inspection at City Hall upon agenda distribution and will be maintained as a permanent record of Council actions.

4.2 Content of Minutes. The minutes of each meeting will contain at least the following information: (1) the identification of each Council member present; (2) all motions, proposals, resolutions, orders, ordinances, and rules proposed and their dispositions; (3) the results of all votes, and the vote of each Councilor; and (4) the substance of any discussion on any matter. The minutes of any executive session will be completed in accordance with applicable Oregon law.

4.3 Approval of Minutes. Approval of the minutes will not require review of the electronic recording of the meeting or reading in open meeting prior to approval. Prior to approval, any Council member may request that an amendment or correction be made to the minutes to accurately reflect the substance of any motion, amendment, or matter considered during the prior meeting. If an objection is made by any Council member to such amendment or correction, the amendment or correction will only be made upon Council approval.

5.0 PRESIDING OFFICER

5.1 Mayor. At its first regular meeting of each odd-numbered year, the Council will elect a Mayor from its membership. The Mayor will be the Presiding Officer of the Council and will be the recognized head of the City for all ceremonial purposes. The Mayor has full voting rights and will be counted in quorum calculations.

5.2 Mayor Pro Tem. At its first regular meeting of each odd numbered year, the Council will elect a Mayor Pro Tem from its membership. In the Mayor's absence from any Council meeting, the Mayor Pro Tem will be the Presiding Officer and will exercise mayoral responsibilities in absence or incapacity of the Mayor.

5.3 Removal of Mayor and Mayor Pro Tem. The Mayor and/or Mayor Pro Tem may be removed by a majority vote of the council.

6.0 DECORUM AND ORDER

6.1 Presiding Officer. The Presiding Officer will preserve decorum and decide all points of order, subject to appeal to the Council.

6.2 Council Members. Every Council member desiring to speak will address the Presiding Officer and, upon recognition by the Presiding Officer, will confine the remarks to the question under debate. Council members will preserve order and decorum during Council meetings, and will not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules and Procedures. Council members will, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, will not engage in personal attacks, will not impugn the motives of any speaker, and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

6.3 City Employees and Administrative Staff. Members of the administrative staff and employees of the City will observe the same rules of procedure, decorum, and good conduct applicable to the members of the Council.

6.4 Council Debate. Any Councilor who has the floor will confine himself or herself to the question under debate, avoid personalities, and refrain from impugning the motives of any member argument or vote. No member will address the Presiding Officer or demand the floor while any vote is being taken. Councilors will limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No Councilor will be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken. A Councilor once recognized will not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case he or she will cease speaking immediately until the point is determined. If ruled to be in order he or she will be permitted to proceed; if ruled to be out of order he or she will remain silent or will alter his or her remarks as to comply with the ruling.

6.5 Confidentiality. Council members will keep all written materials and verbal information provided them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager, or the City Attorney. If the Council, in executive session, provides direction or consensus to staff on proposed terms and conditions for any type of negotiations (whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations), all contact with the other parties will be made by designated staff or representatives handling the negotiations or litigation. A Council member will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion. If a Council member does not refrain from disclosing such information as required by the Council rules, the Council will convene and address the matter, as provided in the censure provision of these rules.

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

6.7 Council-Staff Relations. Council members will respect the separation between policy-making and administration by, among other things, adhering to the following: (1) not attempting to influence or coerce the City Manager concerning personnel or purchasing rules; (2) addressing all inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response (at the discretion of the City Manager or City Attorney, inquiries may be forwarded to the full Council for consideration); (3) limiting individual contacts with City officers and employees so as not to influence staff decisions or recommendations, undermine the authority of supervisors, or prevent the full Council from having the benefit of any information received; and (4) honoring the confidentiality of discussions with the City Attorney.

6.8 Right to Appeal. Any Council member may appeal to the Council from a ruling of the Presiding Officer. If the appeal is seconded, the member making the appeal may briefly state his or her reason for the appeal and the Presiding Officer may briefly explain his or her ruling; provided, however, there will be no debate on the appeal and no other member will participate in the discussion. The Presiding Officer will then put the question, "Will the decision of the Presiding Officer stand as the decision of the Council?" If the majority of the members vote aye, the ruling of the Presiding Officer is sustained; otherwise it is overruled.

7.0 PUBLIC COMMENT

7.1 Public Comment - Policy. The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. Therefore, it is the policy of the Council that all citizens will have the right to speak before the Council on matters of public concern. However, each citizen will be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desires to speak before the Council will have the duty to exercise this right in a manner which furthers the greater public interest.

7.2 Public Comment - General. 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 will 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.

7.3 Public Members Addressing the Council - Agenda Items. Any public member desiring to address the Council will so indicate by signature on the sign-up sheet for that particular item(s) prior to the start of the meeting. After recognition, any public member desiring to address the Council will state his or her name and address for the record and limit his or her remarks to the question under discussion. No person may speak during a meeting without first being recognized by the Presiding Officer. Any public member addressing the Council is limited to three minutes unless further time is granted by the Presiding Officer. No public member may speak more than once upon any one subject until every other public member choosing to speak thereon has spoken. All remarks will be addressed to the Council as a body and not to any particular Council member, City employee, or City agent.

7.4 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 will select a spokesperson, who will present the views of the group to the Council. 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, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.

7.5 Slandorous Remarks; Unauthorized Remarks; Demonstrations. Any person making impertinent or slanderous remarks or who become boisterous during the Council meeting will be removed from the room if so directed by the Presiding Officer; any such person may be barred from further remarks before that session of the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations will not be permitted by the Mayor. Disorderly conduct at Council meetings may be prosecuted upon appropriate complaint signed by the Mayor.

8.0 EMPLOYEE DUTIES

8.1 City Manager. The City Manager will attend all meetings of the Council, unless excused by the City Council. The City Manager will make recommendations to the Council and will take part in all discussions concerning the welfare of the City.

8.2 City Attorney. The City Attorney will attend all meetings of the Council, unless excused by the City Council. Any member of the Council may at any time call upon the City Attorney for an informal oral opinion. Written opinions require the vote of a majority of the Council. The City Attorney will be the parliamentarian, and will advise the Presiding Officer on any questions of order.

8.3 City Recorder. The City Recorder, or the City Recorder's designee, will be the clerk for the Council and will keep minutes of meetings and will perform such other duties at the meetings as ordered by the Presiding Officer, the Council, or the City Manager. The City Recorder will furnish each Council member with a copy of the minutes of each preceding meeting in the agenda packet for the next meeting.

8.4 Officers and Employees. Any member of the Council may request that the City Manager direct any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

9.0 CENSURE AND CODE OF ETHICS

9.1 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 Council members act in any manner constituting a substantial violation of these Rules and Regulations or other general laws, the Council, acting as a whole, may discipline that Council member to the extent provided by law, including public reprimand. To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Neither the Council nor any member thereof will have the right to make public any information obtained through such investigation. Any member accused of a substantial violation of Council rules or any other general law will have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by legal counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Council member's ability to represent the interests of the City as a whole, the Council may, upon a majority vote of the Council members (other than the offending member of the Council) impose a censure on the offending member.

9.2 Code of Ethics. Council members will conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Council members should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the City as a whole. Council members should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, religion, national origin, sex, social station or economic position.