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AGENDA
KEIZER CITY COUNCIL
REGULAR SESSION

Monday, April 4, 2022

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **SPECIAL ORDERS OF BUSINESS**
 - a. Presentation – Confederated Tribes of Siletz Representative, Confederated Tribes of Grand Ronde Representative, and Chemawa Indian School Historian

 - b. Presentation - Fly Salem Update – Chair Brent Dehart – Fly Salem Steering Committee

 - c. **PROCLAMATION** – Volunteer Recognition Month

5. **COMMITTEE REPORTS**

6. **PUBLIC COMMENTS**

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

7. **PUBLIC HEARINGS**
 - a. Town and Country BBQ Liquor License Application – Change of Ownership/Trade Name

8. ADMINISTRATIVE ACTION

- a. Community Center Fee Waiver – Keizer Community Library
- b. Draft Environmental Assessment – Confederated Tribes of Siletz Indians Salem Gaming Facility
- c. RESOLUTION – Adopting the City of Keizer Council Rules of Procedure; Repealing Resolution R2021-3167

9. CONSENT CALENDAR

- a. RESOLUTION – Appointing City Attorney Pro Tem; Repeal of Resolution R2011-2142
- b. Approval of March 21, 2022 Regular Session Minutes

10. 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.

11. STAFF UPDATES

12. COUNCIL MEMBER REPORTS

13. AGENDA INPUT

April 6, 2022

6:00 p.m. - City Council Work Session

- Keizer Community Library

April 11, 2022

6:00 p.m. – City Council Work Session

- Keizer Rapids Park Soccer Fields

April 18, 2022

7:00 p.m. - City Council Regular Session

14. ADJOURNMENT

City of Keizer Mission Statement

Keep City Government Costs And Services To A Minimum By Providing City Services To The Community In A Coordinated, Efficient, And Least Cost Fashion

April 4, 2022

To: Keizer City Council

From: Mayor Cathy Clark

Re: Special Presentation from Tribal Leaders and Chemawa Indian School Historian

At the March 21, 2022 council meeting, there were concerns raised by several speakers about the lands stolen from the Kalapuya and an event called "Trail of Joy." While the people speaking were in error regarding that event being a part of or a theme of an event that was happening two weeks later (it had already occurred two weeks earlier), they brought up larger issues regarding the historical and tragic events around the history of the lands on which we live.

In addition, a speaker who is not a member of a local Tribe but from one in South Dakota, shared regarding her perspective on the history of the Chemawa Indian School.

We respect the Tribal Nations and know better than to presume to speak for them. Council President Smith and I contacted Tribal leadership and the Chemawa Indian School historian to ask their guidance.

We then invited Chairwoman Delores Pigsley of the Confederated Tribes of the Siletz Indians and Tribal Councilwoman Lisa Leno of the Confederated Tribes of the Grand Ronde to join us this evening to share with the Keizer community.

We have also invited Chemawa Indian School Historian SuAnn Reddick to teach us about the tremendous research she has done about the school and the tribal children who were sent there.

It is an honor and privilege to learn from these respected leaders. We appreciate this teaching moment for Keizer.

SuAnn M. Reddick is an independent researcher and historian, with a Masters of Landscape Architecture from the University of Oregon. Her article on the origins of the Indian school at Forest Grove and Chemawa was published by the Oregon Historical Quarterly in 2000. She has also done extensive research and published on the Medicine Creek Treaty and the Fox Island Council.

As volunteer historian at Chemawa for 12 years, Ms. Reddick studied the history of the school land and the cemetery and lobbied for its protection and for all remaining Chemawa land to be placed into trust for the Tribes. She shared her work with the Chemawa school board, the Northwest Indian Education Association, the Affiliated Tribes of Northwest Indians, and several Oregon tribal councils. She has helped many young scholars with their work on Chemawa and has donated her records to Willamette University for the establishment of a Chemawa Collection.

In 2019, she and Pacific University Archivist Eva Guggemos spoke about Forest Grove and Chemawa at the Annual Conference of Native American Boarding School Survivors (NABS). In October 2021, after years of researching public records, they published online a list of the children who died while attending Forest Grove and Chemawa. The website includes a map and detailed list of the known students, school staff and others buried at the school cemetery.

<https://heritage.lib.pacificu.edu/s/deaths-chemawa/page/welcome>

Ms. Reddick's current project is a book on the acquisition and loss of the land at Chemawa and she continues to advocate for a Chemawa land trust.

COUNCIL MEETING: April 4, 2022

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**FROM: R. WES HARE
INTERIM CITY MANAGER**

SUBJECT: FLY SALEM UPDATE

Brent DeHart, Chair of the Fly Salem Steering Committee has requested time on the agenda to give an update on the efforts to bring commercial airlines to the Salem airport.



Proclamation

WHEREAS, the foundation of the City of Keizer is our motto – “Pride, Spirit, and Volunteerism” – that expresses more than a vision but how we live and work together; and

WHEREAS, many residents of this community contribute to the well-being of fellow residents in the Mid-Willamette Valley and Santiam Canyon by giving generously of their time and energy; and

WHEREAS, many volunteers assist the City of Keizer in performing a multitude of duties, creating and sustaining valuable services, and making government by the people a reality. The members of the City Council, Committees, Boards, Commissions, and Task Forces are all community volunteers; and

WHEREAS, Keizer volunteers faithfully show up to help, time after time, year after year, whenever there is a need; and

WHEREAS, the City of Keizer values every one of our many Keizer volunteers and wishes to extend our deepest appreciation to all.

NOW, THEREFORE, I, Cathy Clark, Mayor of the City of Keizer, together with the Keizer City Council assembled in Regular Session, do hereby proclaim the month of April 2022 as

VOLUNTEER RECOGNITION MONTH

And ask all the people of Keizer to express their thanks to and join in with the many volunteers continue to help and serve in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 4th day of April, 2022.

MAYOR CATHY CLARK
City of Keizer, Oregon

CITY COUNCIL MEETING: April 4, 2022

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**THROUGH: WES HARE
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC
CITY RECORDER**

**SUBJECT: TOWN AND COUNTRY BBQ LIQUOR LICENSE APPLICATION –
CHANGE OF OWNERSHIP AND TRADE NAME**

BACKGROUND:

On March 9, 2022 the City received an application for a change of ownership and trade name for the liquor license at Town and County Lanes located 3500 River Road N, Keizer, Oregon. The application is for a limited on-premises sales license.

Notice of the Public Hearing for tonight's meeting was published in the Keizertimes as required by ordinance. The City ordinance also requires review by the Keizer Police Department and Planning Department. As of the writing of this report, the review has not been completed.

RECOMMENDATION:

It is recommended the public hearing be opened, testimony allowed, and then continue the hearing until Monday, April 18, 2022 at 7:00 p.m.

COUNCIL MEETING: April 4, 2022

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

**FROM: R. WES HARE
INTERIM CITY MANAGER**

**THROUGH: TRACY L. DAVIS, MMC
CITY RECORDER/COMMUNITY CENTER MANAGER**

**SUBJECT: WAIVER OF COMMUNITY CENTER FEE – KEIZER COMMUNITY LIBRARY
SUMMER READING PROGRAM EVENT**

ISSUE:

The City has received a request from BJ Toewe, Keizer Community Library Children's Committee Chair for a waiver of the rental fees and the security deposit for an event in June. The request is attached to this report. The Library's Summer Reading Program will begin on Saturday, June 25th with a free program by Richard Ritchie, "The Reptile Man". The space at the Community Library is not adequate to handle the anticipated attendance for this program.

We anticipate one Iris Room will provide adequate space for the program. The rental fee for 4 hours in an Iris Room is \$300 with a \$750 refundable security deposit. The rental fee includes the staffing costs of \$100. The City Council does not have the authority to waive the required certificate of general liability insurance.

Options for Council Consideration:

1. Grant the request for a complete waiver of fees associated with this event. (\$300 rental fee plus the \$750 refundable security deposit)
2. Waive the rental fee of \$300 and the refundable security deposit of \$750 but charge to cover staffing costs (\$100)
3. Deny the request for a waiver of fees.

RECOMMENDATION:

Staff recommends the City Council discuss the request, consider the options, and then direct staff accordingly.



KEIZER COMMUNITY LIBRARY

Imagination and Discovery

March 11, 2022

I would like to request permission to use the Community Center rooms to offer a free program for children on Saturday, June 25, 2022.

This year, Keizer Community Library will be expanding its Summer Reading Program for Keizer youth. The Library will be collaborating with any of the Keizer Elementary Schools that decide to run a summer library program, promoting all summer reading programs offered and possibly coordinating the final celebration and prize drawings.

Research has demonstrated the importance that summer reading programs play in mitigating “summer slide” in children’s reading achievement during their time away from school. Reading programs have been shown to improve children’s reading skills, increase their desire to read, improve their self-esteem, and improve their comprehension and memory skills. U.S. public libraries have offered summer reading programs since 1890.

Keizer Library’s Summer Reading Program will begin on Saturday, June 25th with a free program by Richard Ritchie, “The Reptile Man.” His educational program is well known and highly regarded by libraries and schools throughout Oregon and is a known magnet for drawing in children and their parents in our area. We are thrilled to be able to schedule his appearance in Keizer but know that none of the spaces in Keizer Heritage Center are sufficiently large to handle the expected turnout. This will create a wonderful opportunity to use space in the lobby to enroll youth of all ages in the Keizer Community Library Summer Reading Program and offer library cards as well.

For that reason, I would ask the City Council to allow the Library to use the rooms at the Community Center at no charge for this special opening to our Summer Reading Program.

Sincerely,

BJ Toewe
Keizer Community Library Board
Children’s Committee Chair

RECEIVED CITY OF KEIZER
MAR 11 '22 PM 4:22

(503) 390-2370 • info@keizerlibrary.org • www.keizerlibrary.org
980 Chemawa Road NE • Keizer, OR 97303

Keizer Community Library is a 501(c)(3) non-profit organization/Federal tax ID 93-1180466

COUNCIL MEETING: April 4, 2022

TO: MAYOR CLARK AND CITY COUNCIL MEMBERS

THROUGH: WES HARE, INTERIM CITY MANAGER

FROM: SHANE WITHAM, PLANNING DIRECTOR

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT - CONFEDERATED TRIBES OF SILETZ INDIANS SALEM GAMING FACILITY

ISSUE/BACKGROUND:

The City has the opportunity to submit comments to the Bureau of Indian Affairs (BIA) regarding the draft Environmental Assessment (EA) for the Salem Casino project. The EA is a voluminous document which assesses the environmental impacts that would result from the issuance of a Secretary of the Interior two-part determination under Section 20 of the Indian Gaming Regulatory Act (IGRA), and subsequent development of a gaming facility and hotel/resort. It should be noted that a Secretarial two-part determination may only be made after consultation with the applicant tribe and appropriate state and local officials, including officials of other nearby tribes. In addition, the BIA must seek the concurrence of the Governor of Oregon in the determination before gaming could occur.

Staff has reviewed the EA document and has had discussions with City of Salem Staff, as well as ODOT staff regarding the EA document. It is our understanding that Salem will be submitting comments on the EA, but those have not been finalized. ODOT will also be submitting a comment letter to the BIA which will include specific comments from the Region traffic engineer regarding the traffic impact analysis and mitigation measures proposed. Staff plans to forward those comments to Council once they are made public, but they are not likely to be available prior to tonight's meeting.

While the Casino project is not within our jurisdiction, and most of the impacts will more acutely affect Salem, Council has previously expressed concern over the Casino project in relation to both housing and transportation impacts that could affect Keizer.

Housing: The EA document included an "Economic & Community Impacts and Competitive Effects Analysis" containing information regarding the amount of needed housing driven by the development and concludes there is an adequate supply. The study ascertains that there will be 308 new households, with approximately 60% of those households (185) choosing to live in Salem and Keizer. Analysis was provided within the document that demonstrates there is adequate housing supply to accommodate this impact.

Transportation: A traffic impact analysis (TIA) was prepared for the project which analyzes traffic impacts and identifies necessary mitigation measures to keep intersections operating at acceptable levels. The intersections studied were identified through a scoping process which included representatives from Keizer, Salem, Marion County, and ODOT staff. The TIA identifies 2 locations for mitigation within the Keizer area. (1) Chemawa Rd NE/I- Southbound

ramps: Implement the existing striped second eastbound right-turn lane and construct a second on-ramp receiving lane. Proportionate share contribution of 38% for the Siletz under all development alternatives. (2) Chemawa RD NE/Northbound ramps: Construct a westbound right-turn lane with 150 ft of storage. Proportionate share contribution of 71% for the Siletz under the Proposed Project Alternative and Reduced Intensity Alternative. Proportionate share contribution of 33% for the Siletz under the Non-Gaming Alternative. It should be noted that staff has not analyzed the TIA from a qualitative point of view, and has not employed an independent traffic engineer to review the TIA. However, the intersections identified for mitigation fall under the authority of ODOT, and ODOT has reviewed the TIA and will be making formal comments to the BIA regarding their findings.

RECOMMENDATION:

That City Council review the matter to determine if submission of formal comments to the BIA is appropriate, and if so, direct staff as to what comments should be made prior to the April 8, 2022 deadline.

CITY COUNCIL MEETING: April 4, 2022

AGENDA ITEM NUMBER: _____

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: R. WES HARE, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: COUNCIL RULES OF PROCEDURE

This matter came before the Council at the March 7, 2022 meeting. Council preliminarily directed certain changes to the Council Rules of Procedure. I have incorporated such changes in the attached redlined rules.

Please review the matter and if there are not questions, please adopt the clean version of the Rules attached to the Resolution.

RECOMMENDATION:

Adopt the attached Resolution.

Please contact me if you have any questions. Thank you.

CITY OF KEIZER



CITY COUNCIL RULES OF PROCEDURE

Adopted by Council Resolution R2022- ~~1-3167~~ on April ~~419~~, 2022~~1~~



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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 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 Council member shall sign that they have reviewed and received a copy of these rules. The City Recorder shall retain the signature copy. As used herein, the term "Council" includes the Councilors and the Mayor. The term "Council members" shall include the Mayor.

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 is open to the public. Pursuant to state law, in any meeting of the Council or any other public body, telephonic or other virtual access and attendance shall be provided to the extent reasonably possible. If oral and/or written comments or testimony is allowed, virtual or electronic oral or written testimony shall be provided to the extent reasonably possible.

2.2 Ethics – All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:

- A. Disclosing confidential information.
- B. Taking action which benefits special interest groups or persons at the expense of the City as a whole.

2.3 Quorum – A majority of the members currently serving on the Council, excluding vacant seats, shall constitute a quorum, but no less than three Council members may meet and compel attendance of absent members as prescribed by Council rules.

2.4 Rules of Order – Robert's Rules of Order Newly Revised, 12th Edition 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, 12th Edition) 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 Council member desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Council members 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.

2.8 Building Access – For building security purposes, Council members shall abide by applicable employee building access policies, including, but not limited to the allowance of visitors in the employee-only sections of City Hall.

2.9 Personnel Policies and Other Regulations – As approved by Council, certain personnel policies are applicable to Council members. Copies of the personnel policies and other rules or policies that apply to Council members will be provided to Council members prior to taking office and when amended.

SECTION 3 – COUNCIL MEETINGS

3.1 Regular Meeting –

A. 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 state statute), the meeting shall be held at the usual hour and place on the following day.

B. Training sessions may be held outside of the City’s jurisdictional limits, provided no deliberations toward a decision are made.

C. Interjurisdictional meetings may be held outside of the City’s jurisdictional limits, but should be held as close as practical to the City, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

D. No Council meeting shall be held at any place where discrimination on the basis of an individuals’ race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.

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 comment will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members present.

3.3 Special Meeting – The Mayor may call a special Council meeting at Mayor’s own discretion, and shall call a special meeting at the request of three Council members. Any special meeting shall occur as provided under state law. Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.

3.4 Electronic Meetings - Normally, all Council meetings or work sessions shall be held in-person. However, upon Council motion, Council may schedule a future meeting or work session partially or totally electronically upon a showing of a particular need.

3.5 Emergency Meeting - An emergency meeting of the City Council may be called by the Presiding Officer, at the request of three Council members, or by the 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. The emergency meeting may be held partially or totally electronically if necessary as determined by the Presiding Officer, or if the Presiding Officer is not available, by the City Manager.

3.6 Executive Session – Executive sessions shall be held in accordance with Oregon law. 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 (e.g.; media representatives may be excluded for discussions regarding labor negotiations); and other persons authorized by the City Council to attend. No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.

Prior to opening an executive session the Presiding Officer or City Attorney 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.

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

3.8 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 City's web site, City's social media site, delivered by email, 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.

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

3.10 – Attendance Duty - It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Section 7.8 that a Council office will be deemed vacant upon their 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 (“electronic”) attendance does not ensure that all comments, testimony, discussions, staff information and deliberations are available fully and equally. Therefore, unless allowed as set forth in these rules, methods of attendance other than personal onsite attendance shall not be considered “in attendance” and a Council member may not vote unless physically present at the meeting.

This provision is automatically waived at any time a federal, state or local emergency declaration affecting all or a part of the City is in effect. Council members shall notify the

City Recorder if they will appear in person or electronically. In such case, no quorum is required to be physically present so long as the required quorum is physically and/or virtually present.

In the event of a virtual meeting as allowed under Sections 3.4 or 3.5, no quorum is required to be physically present so long as the required quorum is physically and/or virtually present.

In addition, this provision is waived if two-thirds of the Council members present deem it important that a Council member appear electronically. A quorum must be physically present. A motion to suspend the rules is not required.

3.11 – 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 Council members, 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 Council member, and shall not be denied any right or privilege by reason of their position as Presiding Officer. In the absence of the Mayor, the Council President shall serve as the Presiding Officer. If both the Mayor and the Council President are absent from the meeting, the following procedure shall be utilized to determine who is the Presiding Officer for that meeting:

1. The City Recorder shall call the Council to order and call the roll of the members.
2. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
3. Should either the Mayor or the Council President arrive, the temporary Presiding Officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The Presiding Officer shall retain all rights and privileges of a member of Council when acting in this capacity.

4.2 Council President – The Council shall elect a Council President from its members by a vote of not less than four (4) Council members. This shall occur at the first meeting of the Council in each odd-numbered year or before the position has been vacant for sixty (60) days. Any Councilor may be nominated, 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.

When the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor. The Mayor may assign other duties to the Council President. If the Council President wishes to do so, they may initiate a motion for all prepared resolutions, orders and ordinances and the consent calendar unless another Councilor has requested to do so or initiates the action. The Council President shall retain all rights and privileges of a member of Council when acting in this capacity.

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 and the rules set forth herein.

5.2 Council Members –

A. During Council meetings, Council members shall preserve order and decorum, confine themselves to questions or issues then under discussion, 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.

B. Council members shall not engage in personal attacks and shall not impugn the motives of any speaker at any time.

C. Council members shall at all times when dealing with members of the public, other Council members or staff conduct themselves in a manner appropriate to the dignity of their office.

D. 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 they believe inappropriate or undignified.

E. The Mayor is the official spokesperson for the Council. Unless specifically authorized by the Mayor or the Council, Councilors shall not make any representations on behalf of the City. However, nothing shall prevent the Mayor or a Councilor from

expressing their own individual thoughts and opinions when specifically identified as not a representation of the City or the Council's position.

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. This shall include written communications.

5.4 Removal of Any Person - Any persons making disruptive or threatening remarks or acting in a disruptive or threatening manner during a meeting will forthwith be barred from further audience at that meeting pursuant to City Ordinance or Resolution.

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 Council member and note each Council member's attendance or absence in the record, under the guidelines as set forth in Section 3.10 and 3.11 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** – Oaths of office, awards, proclamations, and 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) **Committee Reports** – Scheduled presentations, presentations by City committee members, and appointments to City committees.
- f) **Public Comments** – 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. Written comments or communications will be acknowledged for the record by the writer's name, city of residence, and topic/subject line.
- g) **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 10 of these procedures.)
- h) **Administrative Action** – Items that require formal action or Council direction.
- i) **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.

- 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 11.6.
- k) **Staff Updates** - Time provided for City staff to briefly report on new or current projects.
- l) **Council Member Reports** - Time provided for members of the Council to **briefly** present items related to the City. Each Council member is encouraged to limit remarks to 3 minutes or less.
- m) **Agenda Input** – Issues for upcoming Council meetings shall be announced by the Presiding Officer.
- n) **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 – If there are no objections from the Council members, the Presiding Officer may recess any meeting of the Council. The Presiding Officer shall announce the time in which the meeting shall reconvene.

6.3 Agenda Distribution – General practice will be copies of agendas and packets 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 Department Directors no later than three (3) days before the meeting.

6.4 Placing an Item on the Agenda – The City Manager may place items on an agenda; ~~however, placing major policy matters on the agenda will be determined by Council.~~ A Council member 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. In addition, in a public meeting, Council may place items on a future 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 and email address at which the City Recorder may be contacted.

SECTION 7 – WRITTEN COMMUNICATIONS

7.1 Written Communications –

- a) Anonymous and unsigned written communication shall not be introduced in Council meetings.
- b) Written testimony concerning any public hearing on the agenda will be included in the agenda packet or placed on the dais. ~~Written communications to the Mayor and/or Council concerning matters on the agenda shall be forwarded to the council in the agenda packet, but shall not be individually itemized on the agenda.~~
- c) Written ~~comments or~~ communications to the Mayor and/or Council ~~concerning matters that are not on an agenda~~ shall be forwarded to the Mayor and/or Council members but shall not be included in the agenda packet. However, such communication shall be made available on the City’s website and shall be summarized at the meeting by the Presiding Officer pursuant to Section 6.1(f).
- ~~e)d)~~ Written communications to the Mayor and/or Council concerning matters that are not related to issues of the City of Keizer shall be forwarded to the Council members. These communications will not be acknowledged for the record under Public Comments for inclusion in the meeting records nor posted on the website.
- ~~ed)~~ The City Manager may, in the City Manager’s discretion, bring any matter raised by any communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.
- f) The City Council may direct staff to address an issue raised in written communications and may, as appropriate, request a staff report to Council setting forth recommendations for addressing the issue raised.

SECTION 8 – CONFLICT OF INTEREST OR OTHER DISQUALIFICATIONS

8.1 Conflict of Interest – In every case in which a Council member is faced with a potential conflict of interest or an actual conflict of interest as defined in state law, 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 Council member is a direct party on the issue, they will be allowed to remain in the Council Chambers.

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

8.3 Ex Parte Contact – Ex Parte communications only apply in a quasi-judicial case. Members of the Council should avoid any communication outside of the public hearing with any party, including other Council members. 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 Council's 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.

SECTION 9 – PUBLIC COMMENT

9.1 Public Comment Generally –

A. 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 comment during each regular session of the Council.

B. If physically present, pParticipants must use a microphone and state their name and city of residence for the record prior to addressing Council.

C. Comments will be limited to five minutes. No yielding or ceding of time is allowed.

D. The Council may request further information be presented to the Council on such date and in such manner as it deems appropriate.

E. Council members may, after obtaining the floor, address the speaker during public comment. Council members shall use restraint when exercising this option. The speaker shall be limited to three (3) minutes to answer questions. The Council may extend the time at their discretion. The Presiding Officer may intervene if a Council member or the speaker is violating the spirit of this rule.

F. Speakers may present electronic audio or visual material during the time permitted for their comment. Speakers may utilize City-provided audio or visual equipment located in the Council Chambers as a part of their comment, but must provide the materials in a readable format to City staff prior to the meeting so that it may be installed on the City's equipment to avoid a delay or disruption of the meeting.

G. Items brought before the Council from the public during public comment 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.

H. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.

9.2 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 person or group wishes to address the Council. Those who have not signed the roster may address the Council at the discretion of the Presiding Officer.

9.3 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 the issue is legislative, and if the Council finds such complaint or suggestion may indicate the need for a change to an ordinance or resolution of the City or the adoption of a new ordinance or resolution, 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 the complaint or suggestion involves 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 their review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when their review has been made.

9.4 Council Shall Carefully Consider All Comments – All Council members should give those presenting comments their undivided attention. Sidebar conversations should be kept to a minimum.

SECTION 10 – PUBLIC HEARINGS

10.1 Public Hearings - A public hearing shall be held on each matter required by state law, City policy or as directed by the City Council. 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.

10.2 Testimony for Non-Land Use Hearings – 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.

Except as stated otherwise, all testimony will be limited to five minutes per person. 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, subject to the same provisions set forth in Section 9.1(E). Upon closure of the hearing, no further testimony will be allowed unless the Council allows written testimony to be submitted by a date certain.

10.3 Quasi-Judicial Land-Use Proceedings –

A. Scope of Review. All quasi-judicial land use proceedings shall be new (de novo).

B. Conflicts of Interest.

1. A member of the Council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:

a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter.

b. The member was not present during the public hearing; provided however, the member may participate and vote if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

C. Ex Parte Contacts/Bias

1. Members of the Council shall reveal the nature of any ex parte contacts or bias with regard to the proceeding at the commencement of any quasi-judicial land use proceeding.

If such contact/bias impairs the member's impartiality, the member shall state this fact and abstain from participation and voting in the matter.

D. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

1. The decision of the Council shall be based on the applicable standards and criteria as set forth in the City's Development Code, the City's Comprehensive Plan, and, if applicable, any other land use standards and criteria imposed by state law or administrative rule.

2. The proponent, any opponents, and/or City staff may submit to the Council a set of proposed written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

E. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:

1. Land Use Hearing Disclosure Statement. The City Attorney shall read the land use hearing disclose statement, which shall include:

a. A list of the applicable criteria;

b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;

c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and

d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. Call for ex parte contacts/bias/conflict of interest. The City Attorney shall inquire whether any member of the Council has had ex parte contacts, has bias, or has an actual or potential conflict of interest. Any member of the Council announcing an ex parte contact or conflict shall state for the record the nature of the contact or conflict. See Section 10.3(B) and (C).

3. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.

4. Presentation of the Case.

- a. Applicant's case. Twenty minutes total.
- b. Persons in favor. Five minutes per person.
- c. Persons opposed. Five minutes per person.
- d. Other interested persons. Five minutes per person.
- e. Rebuttal. Ten minutes total. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters which were introduced during the hearing by parties other than the applicant.

5. Close of hearing. Subject to state law, the Presiding Officer shall close the hearing if there are no further questions from Council. The Record may be left open pursuant to state law. The timeframe for submittals to the Record shall be clearly announced prior to close of the hearing.

6. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

7. Findings and Order/Ordinance. The Council shall approve or deny the application.

- a. The Council shall adopt findings to support its decision.
- b. The Council may incorporate findings proposed by the applicant, the opponent or staff in its decision.

F. Continuances. Council shall grant continuances as required by state law. However, nothing in this section shall restrict the Council, in its discretion, from granting additional continuances. Any continuance requested by the applicant shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

10.4 Legislative Land Use Matters –

A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:

- 1. Call for abstentions. Inquire whether any member of the Council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.

2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

3. Presentation of the Case.

a. Persons in favor. Five minutes per person.

b. Persons opposed. Five minutes per person.

c. Other interested persons. Five minutes per person.

4. Close of hearing. No further information shall be received after the close of the hearing, except for written materials allowed by Council to be submitted prior to the close of the Record.

5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

6. Reopening hearing. Prior to adoption of an Ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

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

10.6 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.

SECTION 11 – ORDINANCES, ORDERS, RESOLUTIONS, AND MOTIONS

11.1 Form – All Ordinances, Orders, and Resolutions shall be presented to the Council.

11.2 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 unable to perform the functions herein.

11.3 Enactment of Ordinances – All ordinances will be enacted pursuant to Section 4 of the Keizer City Charter except that if the Mayor is unable to perform the functions of the

office, the Council President shall act as Mayor pursuant to Section 3.3 of the Keizer City Charter, including, but not limited to, signing of ordinances, resolutions and other documents.

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

11.5 Procedures In Handling Parliamentary Motions –

- a) To make a motion, a Council member must be recognized by the Presiding Officer at a time when there is no other business on the floor. The Council member then may state the motion by saying, "I move" and stating the action to be taken.
- 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. There is no discussion allowed prior to the second, except that any member may request clarification of the motion. 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. No debate can take place until the Presiding Officer states the motion is on the floor. Mover may withdraw the motion at any time up to the vote. 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) Any Council member may request a friendly amendment to the motion. If the mover and the second accept and there is no objection by any Council member, the motion goes forward as amended. If there is an objection, or the friendly amendment is not accepted by both the mover and the second, a formal motion to amend may be made.
- e) 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.
- f) 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.

11.6 Motion for Reconsideration - Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any Council member 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 Council members 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 12 – VOTING

12.1 Voting - Unless a different voting requirement applies, 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 during the voting.

12.2 Abstentions – Any Council member abstaining should state the reason for the abstention. Abstentions should not be used if the member does not believe enough information is available. 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.

12.3 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 Council member shall place their signature on the ballot and the results (including each Council member's specific vote) must be made public immediately following the vote.
- **Roll Call**: In this method, the City Recorder calls the name of each Council member and the Council member responds with their vote on the matter. Council members will be called by position number, with the Mayor being called last.

12.4 Unanimous Consent - For minor matters, the Presiding Officer may use unanimous consent as a voting method if it appears that all of the Council members present agree. If any Council member objects, a formal vote shall be taken.

12.5 Voting Required - Every member of the Council that is present when a question is addressed shall vote for or against the question, unless they abstain for just cause (conflict of interest, bias, etc.).

12.6 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.

12.7 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 13 – MINUTES

13.1 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 Council member who seconded the motion.
- 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 192.311 to 192.338.

- 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.

13.2 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 they are generally completed in draft form prior to distribution of the agenda packets, the draft minutes are available for earlier review should the need arise.

13.3 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 Council member 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, such member can pull the minutes from the Consent Calendar for consideration and announce their absence and abstain from voting for approval of the minutes or they can read the minutes prior to the meeting and vote for approval as part of the Consent Calendar. When a Council member is absent and pulls the minutes from the Consent Calendar to abstain from voting for approval of the minutes, the word "absent" shall be printed in place of a signature.

If a Council member has a concern over the reporting of minutes, it is that Council member's responsibility to review the recording of the meeting and bring corrections forward to the City Council at the next regular meeting with the recording 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.

13.4 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 to each Council member.

13.5 Executive Session Minutes - Minutes from Executive Sessions held pursuant to state statute will be kept in the form of a tape recording. No transcription or no written minutes of the Executive Session will be made unless otherwise required by law.

SECTION 14 – PROCLAMATIONS

14.1 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. The Mayor may also make proclamations at the Mayor's own discretion without a request.

14.2 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 15 – INTERACTIONS WITH STAFF AND MUNICIPAL JUDGE

15.1 Staff - All members of the Council shall respect the separation between the Council's role and the City Manager's responsibility by:

- a) Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
- b) Refraining from actions that would undermine the authority of the City Manager or a Department Director.
- c) Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.
 1. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
 2. Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

15.2 Interaction with Municipal Judge - The Council may meet with the judge, but in no instance shall the Council be permitted to interfere with the judge's exercise of judicial authority or discretion.

SECTION 16 – INTERNAL OVERSIGHT

16.1 Internal Oversight - The Council has the right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council member act in any manner constituting a substantial violation of these rules, City Ordinance or Charter, or other general laws, the remaining Council members may issue a censure or memorandum of concern pursuant to the following procedure:

- a) The process is initiated by a written statement by a Council member explaining the alleged misconduct of a Council member and if true, why disciplinary action is needed. Two Council members must date and sign the statement and deliver the original to the City Manager. The City Manager shall then place the matter before the Council at the next regular Council meeting if the written statement is submitted to the City Manager not later than five (5) calendar days prior to such meeting; otherwise, the matter shall be placed on the agenda for the following Council meeting.
- b) An affirmative vote by five (5) or more members of the Council shall initiate an investigation. An affirmative vote by a Council member shall not indicate that such member believes the truth of the statement and/or the reasoning behind a proposed sanction, but merely that further investigation is warranted under the criteria set forth in subsection c) below. The Council member in question shall not take part in the discussion or the vote.
- c) If initiated, an investigation shall be conducted by a committee consisting of three Council members appointed by the Council. Two additional Keizer residents shall be included if the Council member being investigated makes such request. Such residents shall be selected by the Council. The investigation shall be completed within 30 days of being initiated by the Council. The Committee shall review whether the alleged misconduct occurred, and if so whether the alleged misconduct occurred while acting in their official capacity as a Council member, including, but not limited to the following instances:
 1. During a City meeting or while representing the City of Keizer;
 2. Council member announced that they were a Council member (and therefore infers that conduct is as a Council member);
 3. Conduct occurred in writing available to the public (social media, newspaper) as identified as a Council member.

Whether the Council member committed the alleged misconduct while in their official capacity is only a factor to be considered. In compliance with this Section, the Council may investigate and impose sanctions where the Council member in question was not acting in their official capacity.

- d) If misconduct is found unanimously by the members of the City Council Committee, the Committee would present the investigation conclusion to the Council with a recommendation of any sanctions. Sanctions could include
 1. A memo of concern from the full City Council, or
 2. Censure.

- e) The Council shall vote on the Committee recommendation. A memorandum of concern would require a four (4) member vote of the Council; a censure would require at least a five (5) member vote. The Council member in question shall not take part in the discussion or the vote.
- f) If misconduct is not found unanimously by the City Council Committee, a public report of the Committee findings will be presented to the City Council during a Council meeting. A copy of that report will be given to the Council member who was investigated.

SECTION 17 – COUNCIL VACANCIES/APPOINTMENTS

17.1 Vacancy of Council Position – Section 7.8 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.

17.2 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.

17.3 Declaration of Vacancy – If required by the Charter, the vacant position shall be declared vacant by Resolution.

17.4 Process for Appointment – The Council shall adopt a timeline for the appointment process. 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, as well as a completed form certifying the candidate’s qualifications for the office. Only candidates who have submitted the certification form, letter and resume by the deadline determined by the Council may be considered. Within 45 days of vacancy, the Council shall appoint the replacement Councilor as set forth in this Section.

17.5 Presentation Process – The candidates shall be invited to make a presentation before the City Council. The presentation process is as follows:

- a) Presentation length: Five minutes. There is to be no discussion or questions by the Council whatsoever, except for the written questions noted below.
- b) Order of the presentations: Drawn from the official bucket.

- c) Candidates will be requested to sequester themselves outside the Council Chambers until time for their presentation so they will not gain advantage by listening to the other candidates. They may remain in the audience after their presentation.
- d) Each of the six current Council members may submit a written question to be given the candidates. The candidates may choose to address the questions in their presentations. The deadline for submittal of the questions shall be one week before the presentation.
- e) Following close of the presentation, all candidates who have submitted a letter of interest and resume shall be considered and formal nominations shall not be made.

17.6 Appointment Vote – The Presiding Officer or City Attorney 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 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 17.7 – Tie Votes – Appointment Process.

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

17.7 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.

17.8 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 17.7 – Tie Votes – Appointment Process.

SECTION 18 – CREATION OF CITY COMMITTEES, BOARDS AND COMMISSIONS, COUNCIL COMMITTEES, AD-HOC TASK FORCES AND WORK GROUPS

18.1 Citizen 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 Council members 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~~ As part of the Council Goal and Work Plan process, in January of odd numbered years, the Council shall review the purpose, need, and objectives of all boards, commissions and committees that are not statutorily required ~~prior to Council member liaison appointment.~~

18.2 Membership Appointment – ~~The Volunteer Coordinating Committee is the only standing City Committee that receives members by direct appointment from the City Council.~~ Each Council member will make a one-member appointment to the Volunteer Coordinating Committee as allowed in Council resolution for a two-year term. If a Council member leaves office prior to the end of the Council member's scheduled term, the replacement Council member shall appoint a member to the Volunteer Coordinating Committee. Except for Council members, all other applicants for City Boards, Commissions, Committees or any group (other than Council Work Groups, Task Forces, or Outside 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. The Community Diversity Engagement Committee members shall be directly appointed by Council members as called for in the Resolution creating such committee. The Mayor shall make the Council member appointments for all Committees, Task Forces, Boards, Outside Committees or any other groups at the first meeting in January every odd numbered year or when necessary.

18.3 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, or applicable statute.

18.4 Removal of Members of Committees, Boards, and Commissions – The Council may remove any member of any committee, board, commission, task force or any other group 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 Boards, Commissions or Committees are reserved for sitting Council members; upon expiration of any Council member's term, or upon resignation, removal or death, the Council member's seat on any City Board, Commission, Committee, Outside Committee, or any other position as City representative occupied by that person shall be immediately declared vacant, and a sitting Council member appointed by the Mayor as a replacement.

18.5 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 Council member 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. Appointment of the members to Task Forces shall be by majority vote of the Council members present. 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 in January of odd numbered years prior to Council member liaison appointment.

18.6 Council Work Groups – Council Work Groups shall consist of three Council members who shall be appointed by the Mayor at a regularly scheduled Council meeting. Such Work Group shall report to the Council without unnecessary delay upon matters referred to them. All Council Work Groups so created shall sunset at the end of their mission and final report/recommendation to the Council.

18.7 Meetings Subject to Oregon Open Meetings Law – All meetings of any City Boards, Commissions, Lay-Committees, Council Committee, Task Force, or Work Group shall be subject to and comply with the Oregon Public Meetings law.

18.8 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, Council Ad-Hoc Task Forces, and any other group, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers.

18.9 Youth Councilor – Each school year one Youth Councilor may be appointed as a non-voting member of the Council. The Youth Councilor shall not attend executive sessions. To receive this appointment, the candidates must be Keizer residents who are either attending high school or registered home schooled students. The appointments shall be by majority vote of the Council members present, following recommendations from the Volunteer Coordinating Committee. The Youth Councilor may be assigned roles and positions by Council.

18.10 Youth Liaison – Each school year one Youth Liaison may be appointed as a non-voting member to any City Board, Committee, or Commission. To receive this appointment the candidate must be either attending high school or a registered home schooled student. The appointment shall be by majority vote of the Council members present, following a recommendation from the Volunteer Coordinating Committee.

18.11 Outside Committees – Outside Committees are those committees, boards, commissions and other types of groups not created by the City Council. They include both governmental entities, as well as non-profit organizations; e.g., Keizer Rotary, Keizer Chamber of Commerce, Salem-Keizer Area Transportation Study, Mid-Willamette Valley Council of Governments, etc. For non-Councilor appointments, the Council shall determine the appointment, following recommendation by the Volunteer Coordinating Committee. The Mayor shall appoint Council members to liaison and non-liaison positions for outside committees the first meeting in January every odd numbered year or when necessary. Each Council member shall keep the Mayor and Councilors informed of their involvement in all outside committees. The particular outside committee shall determine any attendance requirements and other matters concerning membership, voting, and procedure, subject to Council approval. Non-liaison (voting) Councilor positions may not be substituted by another Council member, unless such outside committee's rules specifically allow for such substitution.

Nothing contained herein shall prevent a Council member from being a member of any type of committee outside of these provisions. However, such membership shall be as a private citizen and not as a representative of the City of Keizer.

18.12 City Committees/Council Member Liaisons – Council member liaison positions on City committees, boards, commissions, and task forces are non-voting. Council member liaisons shall generally provide avenues of communication between their committee and the Council and shall update the Council on the general status of such committee. Generally speaking, Council members in liaison positions should refrain from expressing opinion on specific policy issues under consideration by the committee unless

it is to relay known City Council positions on a particular matter. This subsection only applies to liaison positions and does not apply to Councilors appointed as voting members.

18.13 Additional Groups – No Board, Commission, Committee, Work Group, Task Force or any public body (other than the Council) may create another public body, except for subcommittees consisting only of its members. Upon recommendation by an entity, the Council may create another Group.

18.14 Electronic Meetings Limited – Except as stated below, no Board, Commission, Committee, Work Group, Task Force or other Council-created group may meet electronically, except if the meeting is scheduled for a time when a federal, state or local emergency declaration affecting all or a part of the City is in effect. At the chair's discretion and without objection from the committee, committees may hold a meeting partially or totally electronically upon a showing of a particular need.

SECTION 19 – ELECTRONIC MAIL/SOCIAL MEDIA

19.1 Electronic Mail/Social Media – The Council will observe the following guidelines when using any electronic method for correspondence or social media in their elected roles:

- a) All e-mail/social media used by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law.
- b) 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 Department Directors. Council members shall use and keep their email accounts updated. The City shall provide sufficient equipment and software for Council members.
- c) E-Mail/social media may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of any other governing body in any manner which would be in violation of the Oregon Public Meeting Laws.
- d) All e-mail/social media used by Council members shall use City accounts only when acting in Council's elected roles. No discussions or issues involving City business shall take place on non-City e-mail/social media accounts. This is required to be able to accurately archive these communications for public records purposes.

SECTION 20 – CITY COUNCIL GOAL/WORK PLAN SETTING

20.1 Council Goal/Work Plan Setting –

- a) Goal Setting/Work Plan Parameters. The 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. In addition, the Council may also set a work plan for projects that Council has determined to be priorities for the short or long term.
- b) Creation of initial list. Following the election in November of even numbered years, the newly elected Council members are strongly encouraged to meet with the current Council members in a work session meeting to establish an initial list of potential Council goals/Work plan. This initial “brainstorming” session shall be completed by December 31 of the election year.
- c) Work Session. During the first calendar quarter of the year following an election, a work session shall be dedicated to Council Goal/Work Plan Setting. During this work session the initial list of potential Council goals and Work plan will be refined and amended to reflect the needs, and goals of the community. The 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 Council members. The Work plan shall include items of importance to the community.
- d) ~~d)~~ Adoption. Council Goals/Work Plan 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.
- e) Reporting. The City Manager shall provide a report of progress of Council Goals and Mayor shall provide a report of progress of Council Work Plan in the first quarter of the second year of the biennium. The Council may update and amend the Goals and Work Plan for the remainder of the biennium.

SECTION 21 – CITY COUNCIL TRAINING/AFFILIATION MEETINGS

21.1 Council Member Training – All Council members are encouraged to attend at least one City affiliated training seminar/conference per calendar year. Such trainings might include:

- 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

21.2 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.

21.3 Reimbursement Allowance – Within budget constraints, training costs directly connected with the above conferences or the Council members' City committees are reimbursable. Any reimbursement allowance must comply with City of Keizer Personnel Policies.

21.4 Council Approval – Any other Council member training or affiliation meetings that exceed a total cost of One Hundred Dollars (\$100.00), including the registration costs, require Council approval prior to registering for the event.

SECTION 22 – MISCELLANEOUS

22.1 Amendments to Council Rules - Amendments to these rules shall be ~~by~~ made by resolution.

22.2 Captions - All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of these Council Rules of Procedures.

Signature Page

The foregoing Council Rules were adopted by the City Council on April ~~419~~, 202~~21~~ by Resolution R202~~21~~- ~~3167~~. By signing below the Council members affirm they have read and received a copy of these rules.

City Council:

Mayor

Council President

Councilor

Councilor

Councilor

Councilor

Councilor

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

ADOPTING THE CITY OF KEIZER COUNCIL RULES OF PROCEDURE; **REPEALING RESOLUTION R2021-3167**

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 revised procedures in 2021;

WHEREAS, the City Council has determined that the Council Rules of Procedure should be updated;

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.

BE IT FURTHER RESOLVED that Resolution R2021-3167 is hereby repealed in its entirety.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon the date of its passage.

PASSED this _____ day of _____, 2022.

SIGNED this _____ day of _____, 2022.

Mayor

City Recorder

CITY OF KEIZER



CITY COUNCIL RULES OF PROCEDURE

Adopted by Council Resolution R2022-_____ on April 4, 2022



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 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 Council member shall sign that they have reviewed and received a copy of these rules. The City Recorder shall retain the signature copy. As used herein, the term "Council" includes the Councilors and the Mayor. The term "Council members" shall include the Mayor.

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 is open to the public. Pursuant to state law, in any meeting of the Council or any other public body, telephonic or other virtual access and attendance shall be provided to the extent reasonably possible. If oral and/or written comments or testimony is allowed, virtual or electronic oral or written testimony shall be provided to the extent reasonably possible.

2.2 Ethics – All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:

- A. Disclosing confidential information.
- B. Taking action which benefits special interest groups or persons at the expense of the City as a whole.

2.3 Quorum – A majority of the members currently serving on the Council, excluding vacant seats, shall constitute a quorum, but no less than three Council members may meet and compel attendance of absent members as prescribed by Council rules.

2.4 Rules of Order – Robert's Rules of Order Newly Revised, 12th Edition 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, 12th Edition) 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 Council member desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Council members 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.

2.8 Building Access – For building security purposes, Council members shall abide by applicable employee building access policies, including, but not limited to the allowance of visitors in the employee-only sections of City Hall.

2.9 Personnel Policies and Other Regulations – As approved by Council, certain personnel policies are applicable to Council members. Copies of the personnel policies and other rules or policies that apply to Council members will be provided to Council members prior to taking office and when amended.

SECTION 3 – COUNCIL MEETINGS

3.1 Regular Meeting –

A. 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 state statute), the meeting shall be held at the usual hour and place on the following day.

B. Training sessions may be held outside of the City’s jurisdictional limits, provided no deliberations toward a decision are made.

C. Interjurisdictional meetings may be held outside of the City’s jurisdictional limits, but should be held as close as practical to the City, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

D. No Council meeting shall be held at any place where discrimination on the basis of an individuals’ race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.

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 comment will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members present.

3.3 Special Meeting – The Mayor may call a special Council meeting at Mayor’s own discretion, and shall call a special meeting at the request of three Council members. Any special meeting shall occur as provided under state law. Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.

3.4 Electronic Meetings - Normally, all Council meetings or work sessions shall be held in-person. However, upon Council motion, Council may schedule a future meeting or work session partially or totally electronically upon a showing of a particular need.

3.5 Emergency Meeting - An emergency meeting of the City Council may be called by the Presiding Officer, at the request of three Council members, or by the 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. The emergency meeting may be held partially or totally electronically if necessary as determined by the Presiding Officer, or if the Presiding Officer is not available, by the City Manager.

3.6 Executive Session – Executive sessions shall be held in accordance with Oregon law. 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 (e.g.; media representatives may be excluded for discussions regarding labor negotiations); and other persons authorized by the City Council to attend. No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.

Prior to opening an executive session the Presiding Officer or City Attorney 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.

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

3.8 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 City's web site, City's social media site, delivered by email, 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.

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

3.10 – Attendance Duty - It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Section 7.8 that a Council office will be deemed vacant upon their 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 (“electronic”) attendance does not ensure that all comments, testimony, discussions, staff information and deliberations are available fully and equally. Therefore, unless allowed as set forth in these rules, methods of attendance other than personal onsite attendance shall not be considered “in attendance” and a Council member may not vote unless physically present at the meeting.

This provision is automatically waived at any time a federal, state or local emergency declaration affecting all or a part of the City is in effect. Council members shall notify the

City Recorder if they will appear in person or electronically. In such case, no quorum is required to be physically present so long as the required quorum is physically and/or virtually present.

In the event of a virtual meeting as allowed under Sections 3.4 or 3.5, no quorum is required to be physically present so long as the required quorum is physically and/or virtually present.

In addition, this provision is waived if two-thirds of the Council members present deem it important that a Council member appear electronically. A quorum must be physically present. A motion to suspend the rules is not required.

3.11 – 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 Council members, 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 Council member, and shall not be denied any right or privilege by reason of their position as Presiding Officer. In the absence of the Mayor, the Council President shall serve as the Presiding Officer. If both the Mayor and the Council President are absent from the meeting, the following procedure shall be utilized to determine who is the Presiding Officer for that meeting:

1. The City Recorder shall call the Council to order and call the roll of the members.
2. Those members of Council present shall elect, by majority vote, a temporary Presiding Officer for the meeting.
3. Should either the Mayor or the Council President arrive, the temporary Presiding Officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The Presiding Officer shall retain all rights and privileges of a member of Council when acting in this capacity.

4.2 Council President – The Council shall elect a Council President from its members by a vote of not less than four (4) Council members. This shall occur at the first meeting of the Council in each odd-numbered year or before the position has been vacant for sixty (60) days. Any Councilor may be nominated, 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.

When the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor. The Mayor may assign other duties to the Council President. If the Council President wishes to do so, they may initiate a motion for all prepared resolutions, orders and ordinances and the consent calendar unless another Councilor has requested to do so or initiates the action. The Council President shall retain all rights and privileges of a member of Council when acting in this capacity.

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 and the rules set forth herein.

5.2 Council Members –

A. During Council meetings, Council members shall preserve order and decorum, confine themselves to questions or issues then under discussion, 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.

B. Council members shall not engage in personal attacks and shall not impugn the motives of any speaker at any time.

C. Council members shall at all times when dealing with members of the public, other Council members or staff conduct themselves in a manner appropriate to the dignity of their office.

D. 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 they believe inappropriate or undignified.

E. The Mayor is the official spokesperson for the Council. Unless specifically authorized by the Mayor or the Council, Councilors shall not make any representations on behalf of the City. However, nothing shall prevent the Mayor or a Councilor from

expressing their own individual thoughts and opinions when specifically identified as not a representation of the City or the Council's position.

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. This shall include written communications.

5.4 Removal of Any Person - Any persons making disruptive or threatening remarks or acting in a disruptive or threatening manner during a meeting will forthwith be barred from further audience at that meeting pursuant to City Ordinance or Resolution.

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 Council member and note each Council member's attendance or absence in the record, under the guidelines as set forth in Section 3.10 and 3.11 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** – Oaths of office, awards, proclamations, and 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) **Committee Reports** – Scheduled presentations, presentations by City committee members, and appointments to City committees.
- f) **Public Comments** – 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. Written comments or communications will be acknowledged for the record by the writer's name, city of residence, and topic/subject line.
- g) **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 10 of these procedures.)
- h) **Administrative Action** – Items that require formal action or Council direction.
- i) **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.

- 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 11.6.
- k) **Staff Updates** - Time provided for City staff to briefly report on new or current projects.
- l) **Council Member Reports** - Time provided for members of the Council to **briefly** present items related to the City. Each Council member is encouraged to limit remarks to 3 minutes or less.
- m) **Agenda Input** – Issues for upcoming Council meetings shall be announced by the Presiding Officer.
- n) **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 – If there are no objections from the Council members, the Presiding Officer may recess any meeting of the Council. The Presiding Officer shall announce the time in which the meeting shall reconvene.

6.3 Agenda Distribution – General practice will be copies of agendas and packets 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 Department Directors no later than three (3) days before the meeting.

6.4 Placing an Item on the Agenda – The City Manager may place items on an agenda. A Council member 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. In addition, in a public meeting, Council may place items on a future 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 and email address at which the City Recorder may be contacted.

SECTION 7 – WRITTEN COMMUNICATIONS

7.1 Written Communications –

- a) Anonymous and unsigned written communication shall not be introduced in Council meetings.
- b) Written testimony concerning any public hearing on the agenda will be included in the agenda packet or placed on the dais.
- c) Written comments or communications to the Mayor and/or Council shall be forwarded to the Mayor and/or Council members but shall not be included in the agenda packet. However, such communication shall be made available on the City’s website and shall be summarized at the meeting by the Presiding Officer pursuant to Section 6.1(f).
- d) Written communications to the Mayor and/or Council concerning matters that are not related to issues of the City of Keizer shall be forwarded to the Council members. These communications will not be acknowledged for the record under Public Comments for inclusion in the meeting records nor posted on the website.
- e) The City Manager may, in the City Manager’s discretion, bring any matter raised by any communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.
- f) The City Council may direct staff to address an issue raised in written communications and may, as appropriate, request a staff report to Council setting forth recommendations for addressing the issue raised.

SECTION 8 – CONFLICT OF INTEREST OR OTHER DISQUALIFICATIONS

8.1 Conflict of Interest – In every case in which a Council member is faced with a potential conflict of interest or an actual conflict of interest as defined in state law, 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 Council member is a direct party on the issue, they will be allowed to remain in the Council Chambers.

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

8.3 Ex Parte Contact – Ex Parte communications only apply in a quasi-judicial case. Members of the Council should avoid any communication outside of the public hearing with any party, including other Council members. 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 Council's 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.

SECTION 9 – PUBLIC COMMENT

9.1 Public Comment Generally –

A. 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 comment during each regular session of the Council.

B. If physically present, participants must use a microphone and state their name and city of residence for the record prior to addressing Council.

C. Comments will be limited to five minutes. No yielding or ceding of time is allowed.

D. The Council may request further information be presented to the Council on such date and in such manner as it deems appropriate.

E. Council members may, after obtaining the floor, address the speaker during public comment. Council members shall use restraint when exercising this option. The speaker shall be limited to three (3) minutes to answer questions. The Council may extend the time at their discretion. The Presiding Officer may intervene if a Council member or the speaker is violating the spirit of this rule.

F. Speakers may present electronic audio or visual material during the time permitted for their comment. Speakers may utilize City-provided audio or visual equipment located in the Council Chambers as a part of their comment, but must provide the materials in a readable format to City staff prior to the meeting so that it may be installed on the City's equipment to avoid a delay or disruption of the meeting.

G. Items brought before the Council from the public during public comment 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.

H. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.

9.2 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 person or group wishes to address the Council. Those who have not signed the roster may address the Council at the discretion of the Presiding Officer.

9.3 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 the issue is legislative, and if the Council finds such complaint or suggestion may indicate the need for a change to an ordinance or resolution of the City or the adoption of a new ordinance or resolution, 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 the complaint or suggestion involves 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 their review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when their review has been made.

9.4 Council Shall Carefully Consider All Comments – All Council members should give those presenting comments their undivided attention. Sidebar conversations should be kept to a minimum.

SECTION 10 – PUBLIC HEARINGS

10.1 Public Hearings - A public hearing shall be held on each matter required by state law, City policy or as directed by the City Council. 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.

10.2 Testimony for Non-Land Use Hearings – 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.

Except as stated otherwise, all testimony will be limited to five minutes per person. 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, subject to the same provisions set forth in Section 9.1(E). Upon closure of the hearing, no further testimony will be allowed unless the Council allows written testimony to be submitted by a date certain.

10.3 Quasi-Judicial Land-Use Proceedings –

A. Scope of Review. All quasi-judicial land use proceedings shall be new (de novo).

B. Conflicts of Interest.

1. A member of the Council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:

a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter.

b. The member was not present during the public hearing; provided however, the member may participate and vote if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

C. Ex Parte Contacts/Bias

1. Members of the Council shall reveal the nature of any ex parte contacts or bias with regard to the proceeding at the commencement of any quasi-judicial land use proceeding.

If such contact/bias impairs the member's impartiality, the member shall state this fact and abstain from participation and voting in the matter.

D. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

1. The decision of the Council shall be based on the applicable standards and criteria as set forth in the City's Development Code, the City's Comprehensive Plan, and, if applicable, any other land use standards and criteria imposed by state law or administrative rule.

2. The proponent, any opponents, and/or City staff may submit to the Council a set of proposed written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

E. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:

1. Land Use Hearing Disclosure Statement. The City Attorney shall read the land use hearing disclose statement, which shall include:

a. A list of the applicable criteria;

b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;

c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and

d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. Call for ex parte contacts/bias/conflict of interest. The City Attorney shall inquire whether any member of the Council has had ex parte contacts, has bias, or has an actual or potential conflict of interest. Any member of the Council announcing an ex parte contact or conflict shall state for the record the nature of the contact or conflict. See Section 10.3(B) and (C).

3. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.

4. Presentation of the Case.
 - a. Applicant's case. Twenty minutes total.
 - b. Persons in favor. Five minutes per person.
 - c. Persons opposed. Five minutes per person.
 - d. Other interested persons. Five minutes per person.
 - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters which were introduced during the hearing by parties other than the applicant.

5. Close of hearing. Subject to state law, the Presiding Officer shall close the hearing if there are no further questions from Council. The Record may be left open pursuant to state law. The timeframe for submittals to the Record shall be clearly announced prior to close of the hearing.

6. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

7. Findings and Order/Ordinance. The Council shall approve or deny the application.

- a. The Council shall adopt findings to support its decision.

- b. The Council may incorporate findings proposed by the applicant, the opponent or staff in its decision.

F. Continuances. Council shall grant continuances as required by state law. However, nothing in this section shall restrict the Council, in its discretion, from granting additional continuances. Any continuance requested by the applicant shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

10.4 Legislative Land Use Matters –

A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:

1. Call for abstentions. Inquire whether any member of the Council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.

2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

3. Presentation of the Case.

a. Persons in favor. Five minutes per person.

b. Persons opposed. Five minutes per person.

c. Other interested persons. Five minutes per person.

4. Close of hearing. No further information shall be received after the close of the hearing, except for written materials allowed by Council to be submitted prior to the close of the Record.

5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

6. Reopening hearing. Prior to adoption of an Ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

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

10.6 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.

SECTION 11 – ORDINANCES, ORDERS, RESOLUTIONS, AND MOTIONS

11.1 Form – All Ordinances, Orders, and Resolutions shall be presented to the Council.

11.2 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 unable to perform the functions herein.

11.3 Enactment of Ordinances – All ordinances will be enacted pursuant to Section 4 of the Keizer City Charter except that if the Mayor is unable to perform the functions of the

office, the Council President shall act as Mayor pursuant to Section 3.3 of the Keizer City Charter, including, but not limited to, signing of ordinances, resolutions and other documents.

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

11.5 Procedures In Handling Parliamentary Motions –

- a) To make a motion, a Council member must be recognized by the Presiding Officer at a time when there is no other business on the floor. The Council member then may state the motion by saying, "I move" and stating the action to be taken.
- 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. There is no discussion allowed prior to the second, except that any member may request clarification of the motion. 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. No debate can take place until the Presiding Officer states the motion is on the floor. Mover may withdraw the motion at any time up to the vote. 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) Any Council member may request a friendly amendment to the motion. If the mover and the second accept and there is no objection by any Council member, the motion goes forward as amended. If there is an objection, or the friendly amendment is not accepted by both the mover and the second, a formal motion to amend may be made.
- e) 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.
- f) 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.

11.6 Motion for Reconsideration - Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any Council member 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 Council members 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 12 – VOTING

12.1 Voting - Unless a different voting requirement applies, 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 during the voting.

12.2 Abstentions – Any Council member abstaining should state the reason for the abstention. Abstentions should not be used if the member does not believe enough information is available. 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.

12.3 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 Council member shall place their signature on the ballot and the results (including each Council member's specific vote) must be made public immediately following the vote.
- **Roll Call**: In this method, the City Recorder calls the name of each Council member and the Council member responds with their vote on the matter. Council members will be called by position number, with the Mayor being called last.

12.4 Unanimous Consent - For minor matters, the Presiding Officer may use unanimous consent as a voting method if it appears that all of the Council members present agree. If any Council member objects, a formal vote shall be taken.

12.5 Voting Required - Every member of the Council that is present when a question is addressed shall vote for or against the question, unless they abstain for just cause (conflict of interest, bias, etc.).

12.6 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.

12.7 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 13 – MINUTES

13.1 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 Council member who seconded the motion.
- 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 192.311 to 192.338.

- 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.

13.2 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 they are generally completed in draft form prior to distribution of the agenda packets, the draft minutes are available for earlier review should the need arise.

13.3 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 Council member 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, such member can pull the minutes from the Consent Calendar for consideration and announce their absence and abstain from voting for approval of the minutes or they can read the minutes prior to the meeting and vote for approval as part of the Consent Calendar. When a Council member is absent and pulls the minutes from the Consent Calendar to abstain from voting for approval of the minutes, the word “absent” shall be printed in place of a signature.

If a Council member has a concern over the reporting of minutes, it is that Council member’s responsibility to review the recording of the meeting and bring corrections forward to the City Council at the next regular meeting with the recording 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.

13.4 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 to each Council member.

13.5 Executive Session Minutes - Minutes from Executive Sessions held pursuant to state statute will be kept in the form of a tape recording. No transcription or no written minutes of the Executive Session will be made unless otherwise required by law.

SECTION 14 – PROCLAMATIONS

14.1 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. The Mayor may also make proclamations at the Mayor's own discretion without a request.

14.2 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 15 – INTERACTIONS WITH STAFF AND MUNICIPAL JUDGE

15.1 Staff - All members of the Council shall respect the separation between the Council's role and the City Manager's responsibility by:

- a) Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
- b) Refraining from actions that would undermine the authority of the City Manager or a Department Director.
- c) Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.
 1. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
 2. Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

15.2 Interaction with Municipal Judge - The Council may meet with the judge, but in no instance shall the Council be permitted to interfere with the judge's exercise of judicial authority or discretion.

SECTION 16 – INTERNAL OVERSIGHT

16.1 Internal Oversight - The Council has the right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council member act in any manner constituting a substantial violation of these rules, City Ordinance or Charter, or other general laws, the remaining Council members may issue a censure or memorandum of concern pursuant to the following procedure:

- a) The process is initiated by a written statement by a Council member explaining the alleged misconduct of a Council member and if true, why disciplinary action is needed. Two Council members must date and sign the statement and deliver the original to the City Manager. The City Manager shall then place the matter before the Council at the next regular Council meeting if the written statement is submitted to the City Manager not later than five (5) calendar days prior to such meeting; otherwise, the matter shall be placed on the agenda for the following Council meeting.
- b) An affirmative vote by five (5) or more members of the Council shall initiate an investigation. An affirmative vote by a Council member shall not indicate that such member believes the truth of the statement and/or the reasoning behind a proposed sanction, but merely that further investigation is warranted under the criteria set forth in subsection c) below. The Council member in question shall not take part in the discussion or the vote.
- c) If initiated, an investigation shall be conducted by a committee consisting of three Council members appointed by the Council. Two additional Keizer residents shall be included if the Council member being investigated makes such request. Such residents shall be selected by the Council. The investigation shall be completed within 30 days of being initiated by the Council. The Committee shall review whether the alleged misconduct occurred, and if so whether the alleged misconduct occurred while acting in their official capacity as a Council member, including, but not limited to the following instances:
 1. During a City meeting or while representing the City of Keizer;
 2. Council member announced that they were a Council member (and therefore infers that conduct is as a Council member);
 3. Conduct occurred in writing available to the public (social media, newspaper) as identified as a Council member.

Whether the Council member committed the alleged misconduct while in their official capacity is only a factor to be considered. In compliance with this Section, the Council may investigate and impose sanctions where the Council member in question was not acting in their official capacity.

- d) If misconduct is found unanimously by the members of the City Council Committee, the Committee would present the investigation conclusion to the Council with a recommendation of any sanctions. Sanctions could include
 1. A memo of concern from the full City Council, or
 2. Censure.

- e) The Council shall vote on the Committee recommendation. A memorandum of concern would require a four (4) member vote of the Council; a censure would require at least a five (5) member vote. The Council member in question shall not take part in the discussion or the vote.
- f) If misconduct is not found unanimously by the City Council Committee, a public report of the Committee findings will be presented to the City Council during a Council meeting. A copy of that report will be given to the Council member who was investigated.

SECTION 17 – COUNCIL VACANCIES/APPOINTMENTS

17.1 Vacancy of Council Position – Section 7.8 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.

17.2 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.

17.3 Declaration of Vacancy – If required by the Charter, the vacant position shall be declared vacant by Resolution.

17.4 Process for Appointment – The Council shall adopt a timeline for the appointment process. 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, as well as a completed form certifying the candidate’s qualifications for the office. Only candidates who have submitted the certification form, letter and resume by the deadline determined by the Council may be considered. Within 45 days of vacancy, the Council shall appoint the replacement Councilor as set forth in this Section.

17.5 Presentation Process – The candidates shall be invited to make a presentation before the City Council. The presentation process is as follows:

- a) Presentation length: Five minutes. There is to be no discussion or questions by the Council whatsoever, except for the written questions noted below.
- b) Order of the presentations: Drawn from the official bucket.

- c) Candidates will be requested to sequester themselves outside the Council Chambers until time for their presentation so they will not gain advantage by listening to the other candidates. They may remain in the audience after their presentation.
- d) Each of the six current Council members may submit a written question to be given the candidates. The candidates may choose to address the questions in their presentations. The deadline for submittal of the questions shall be one week before the presentation.
- e) Following close of the presentation, all candidates who have submitted a letter of interest and resume shall be considered and formal nominations shall not be made.

17.6 Appointment Vote – The Presiding Officer or City Attorney 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 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 17.7 – Tie Votes – Appointment Process.

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

17.7 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.

17.8 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 17.7 – Tie Votes – Appointment Process.

SECTION 18 – CREATION OF CITY COMMITTEES, BOARDS AND COMMISSIONS, COUNCIL COMMITTEES, AD-HOC TASK FORCES AND WORK GROUPS

18.1 Citizen 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 Council members as members. Unless otherwise provided, all City Boards, Commissions, and Committees so created shall sunset at the end of their mission. As part of the Council Goal and Work Plan process, in January of odd numbered years, the Council shall review the purpose, need, and objectives of all boards, commissions and committees that are not statutorily required.

18.2 Membership Appointment –Each Council member will make a one-member appointment to the Volunteer Coordinating Committee as allowed in Council resolution for a two-year term. If a Council member leaves office prior to the end of the Council member's scheduled term, the replacement Council member shall appoint a member to the Volunteer Coordinating Committee. Except for Council members, all other applicants for City Boards, Commissions, Committees or any group (other than Council Work Groups, Task Forces, or Outside 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. The Community Diversity Engagement Committee members shall be directly

appointed by Council members as called for in the Resolution creating such committee. The Mayor shall make the Council member appointments for all Committees, Task Forces, Boards, Outside Committees or any other groups at the first meeting in January every odd numbered year or when necessary.

18.3 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, Ordinance, or applicable statute.

18.4 Removal of Members of Committees, Boards, and Commissions – The Council may remove any member of any committee, board, commission, task force or any other group 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 Boards, Commissions or Committees are reserved for sitting Council members; upon expiration of any Council member's term, or upon resignation, removal or death, the Council member's seat on any City Board, Commission, Committee, Outside Committee, or any other position as City representative occupied by that person shall be immediately declared vacant, and a sitting Council member appointed by the Mayor as a replacement.

18.5 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 Council member 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. Appointment of the members to Task Forces shall be by majority vote of the Council members present. 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 in January of odd numbered years prior to Council member liaison appointment.

18.6 Council Work Groups – Council Work Groups shall consist of three Council members who shall be appointed by the Mayor at a regularly scheduled Council meeting. Such Work Group shall report to the Council without unnecessary delay upon matters referred to them. All Council Work Groups so created shall sunset at the end of their mission and final report/recommendation to the Council.

18.7 Meetings Subject to Oregon Open Meetings Law – All meetings of any City Boards, Commissions, Lay-Committees, Council Committee, Task Force, or Work Group shall be subject to and comply with the Oregon Public Meetings law.

18.8 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, Council Ad-Hoc Task Forces, and any other group, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers.

18.9 Youth Councilor – Each school year one Youth Councilor may be appointed as a non-voting member of the Council. The Youth Councilor shall not attend executive sessions. To receive this appointment, the candidates must be Keizer residents who are either attending high school or registered home schooled students. The appointments shall be by majority vote of the Council members present, following recommendations from the Volunteer Coordinating Committee. The Youth Councilor may be assigned roles and positions by Council.

18.10 Youth Liaison – Each school year one Youth Liaison may be appointed as a non-voting member to any City Board, Committee, or Commission. To receive this appointment the candidate must be either attending high school or a registered home schooled student. The appointment shall be by majority vote of the Council members present, following a recommendation from the Volunteer Coordinating Committee.

18.11 Outside Committees – Outside Committees are those committees, boards, commissions and other types of groups not created by the City Council. They include both governmental entities, as well as non-profit organizations; e.g., Keizer Rotary, Keizer Chamber of Commerce, Salem-Keizer Area Transportation Study, Mid-Willamette Valley Council of Governments, etc. For non-Councilor appointments, the Council shall determine the appointment, following recommendation by the Volunteer Coordinating Committee. The Mayor shall appoint Council members to liaison and non-liaison positions for outside committees the first meeting in January every odd numbered year or when necessary. Each Council member shall keep the Mayor and Councilors informed of their involvement in all outside committees. The particular outside committee shall determine any attendance requirements and other matters concerning membership, voting, and procedure, subject to Council approval. Non-liaison (voting) Councilor positions may not be substituted by another Council member, unless such outside committee's rules specifically allow for such substitution.

Nothing contained herein shall prevent a Council member from being a member of any type of committee outside of these provisions. However, such membership shall be as a private citizen and not as a representative of the City of Keizer.

18.12 City Committees/Council Member Liaisons – Council member liaison positions on City committees, boards, commissions, and task forces are non-voting. Council member liaisons shall generally provide avenues of communication between their committee and the Council and shall update the Council on the general status of such committee. Generally speaking, Council members in liaison positions should refrain from expressing opinion on specific policy issues under consideration by the committee unless it is to relay known City Council positions on a particular matter. This subsection only applies to liaison positions and does not apply to Councilors appointed as voting members.

18.13 Additional Groups – No Board, Commission, Committee, Work Group, Task Force or any public body (other than the Council) may create another public body,

except for subcommittees consisting only of its members. Upon recommendation by an entity, the Council may create another Group.

18.14 Electronic Meetings Limited – Except as stated below, no Board, Commission, Committee, Work Group, Task Force or other Council-created group may meet electronically, except if the meeting is scheduled for a time when a federal, state or local emergency declaration affecting all or a part of the City is in effect. At the chair's discretion and without objection from the committee, committees may hold a meeting partially or totally electronically upon a showing of a particular need.

SECTION 19 – ELECTRONIC MAIL/SOCIAL MEDIA

19.1 Electronic Mail/Social Media – The Council will observe the following guidelines when using any electronic method for correspondence or social media in their elected roles:

- a) All e-mail/social media used by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law.
- b) 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 Department Directors. Council members shall use and keep their email accounts updated. The City shall provide sufficient equipment and software for Council members.
- c) E-Mail/social media may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of any other governing body in any manner which would be in violation of the Oregon Public Meeting Laws.
- d) All e-mail/social media used by Council members shall use City accounts only when acting in Council's elected roles. No discussions or issues involving City business shall take place on non-City e-mail/social media accounts. This is required to be able to accurately archive these communications for public records purposes.

SECTION 20 – CITY COUNCIL GOAL/WORK PLAN SETTING

20.1 Council Goal/Work Plan Setting –

- a) Goal Setting/Work Plan Parameters. The 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. In addition, the Council may also

set a work plan for projects that Council has determined to be priorities for the short or long term.

- b) Creation of initial list. Following the election in November of even numbered years, the newly elected Council members are strongly encouraged to meet with the current Council members in a work session meeting to establish an initial list of potential Council goals/Work plan. This initial “brainstorming” session shall be completed by December 31 of the election year.
- c) Work Session. During the first calendar quarter of the year following an election, a work session shall be dedicated to Council Goal/Work Plan Setting. During this work session the initial list of potential Council goals and Work plan will be refined and amended to reflect the needs, and goals of the community. The 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 Council members. The Work plan shall include items of importance to the community.
- d) Adoption. Council Goals/Work Plan 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.
- e) Reporting. The City Manager shall provide a report of progress of Council Goals and Mayor shall provide a report of progress of Council Work Plan in the first quarter of the second year of the biennium. The Council may update and amend the Goals and Work Plan for the remainder of the biennium.

SECTION 21 – CITY COUNCIL TRAINING/AFFILIATION MEETINGS

21.1 Council Member Training – All Council members are encouraged to attend at least one City affiliated training seminar/conference per calendar year. Such trainings might include:

- 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

21.2 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.

21.3 Reimbursement Allowance – Within budget constraints, training costs directly connected with the above conferences or the Council members' City committees are reimbursable. Any reimbursement allowance must comply with City of Keizer Personnel Policies.

21.4 Council Approval – Any other Council member training or affiliation meetings that exceed a total cost of One Hundred Dollars (\$100.00), including the registration costs, require Council approval prior to registering for the event.

SECTION 22 – MISCELLANEOUS

22.1 Amendments to Council Rules - Amendments to these rules shall be made by resolution.

22.2 Captions - All captions used herein are intended solely for convenience of reference and shall in no way limit any of the provisions of these Council Rules of Procedures.

Signature Page

The foregoing Council Rules were adopted by the City Council on April 4, 2022 by Resolution R2022-____. By signing below the Council members affirm they have read and received a copy of these rules.

City Council:

Mayor

Council President

Councilor

Councilor

Councilor

Councilor

Councilor

CITY COUNCIL MEETING: April 4, 2022**AGENDA ITEM NUMBER: _____**

TO: MAYOR CLARK AND COUNCIL MEMBERS

THROUGH: R. WES HARE, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

SUBJECT: RESOLUTION APPOINTING CITY ATTORNEY PRO TEM

I will be unavailable for over two weeks on extended vacation beginning May 16, 2022.

I contacted Chad Jacobs who has assisted me on various projects and is currently with the firm of Beery Elsner Hammonds. He is available during the term of my vacation and I felt it was appropriate for the Council to formally appoint Chad as city attorney pro tem due to the fact that there may be documents to sign or representations to make if absolutely necessary and I did not want to have any question regarding his authority.

John A. Lien had been city attorney pro tem since 2011, but he has retired so it is appropriate to appoint a new city attorney pro tem.

Due to budgetary constraints, staff will be careful to engage Mr. Jacobs only when absolutely necessary. Mr. Jacobs has agreed to charge the City the same rate that he charges the City for other projects, which is currently \$245.00 per hour.

RECOMMENDATION:

Adopt the attached Resolution appointing Chad Jacobs as city attorney pro tem.

Please let me know if you have any questions. Thank you.

ESJ/tmh

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R2022-_____

APPOINTING CITY ATTORNEY PRO TEM; REPEAL OF
RESOLUTION R2011-2142

WHEREAS, E. Shannon Johnson has been appointed as City Attorney;

WHEREAS, upon occasion the City Attorney may be unavailable for reasons of
vacation, illness, or other unexpected events;

WHEREAS, the Council adopted Resolution R2011-2142 that appointed John A.
Lien as acting city attorney;

WHEREAS, John A. Lien has retired and no longer available to act as city
attorney;

WHEREAS, Chad A. Jacobs, has agreed on a limited basis to act as city attorney
pro tem on behalf of the City of Keizer;

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Chad A. Jacobs
is hereby appointed city attorney pro tem for matters when and if needed when the City
Attorney is unavailable.

BE IT FURTHER RESOLVED that until further City Council Resolution, the
appointment of Chad A. Jacobs as city attorney pro tem shall remain in full force and
effect.

1 BE IT FURTHER RESOLVED that staff is directed to only engage Chad A.
2 Jacobs in this capacity when absolutely necessary due to budget constraints.

3 BE IT FURTHER RESOLVED that Resolution 2011-2142 (Appointing Special
4 City Attorney) is hereby repealed in its entirety.

5 PASSED this _____ day of _____, 2022.

6

7 SIGNED this _____ day of _____, 2022.

8

9

10

Mayor

11

12

13

City Recorder



MINUTES
KEIZER CITY COUNCIL
Monday, March 21, 2022
Keizer Civic Center, Council Chambers
Keizer, Oregon

CALL TO ORDER

Mayor Clark called the meeting to order at 7:00 pm. Roll call was taken as follows:

Present:

Cathy Clark, Mayor
Elizabeth Smith, Councilor
Daniel Kohler, Councilor
Roland Herrera, Councilor
Kyle Juran, Councilor
Shaney Starr, Councilor

Staff:

Wes Hare, Interim City Manager
Shannon Johnson, City Attorney
Tim Wood, Finance Director
Bill Lawyer, Public Works Director
John Teague, Police Chief
Debbie Lockhart, Deputy City Recorder

Absent:

Laura Reid, Councilor
Miranda Coleman, Youth Councilor

FLAG SALUTE

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS
OF BUSINESS**

PROCLAMATION – National Child Abuse Prevention Month

Tanya Hamilton, Keizer, shared information regarding child abuse statistics and prevention through a slide presentation. Mayor Clark then read the proclamation and presented it to Ms. Hamilton and Councilor Starr as representatives of child abuse prevention organizations.

**COMMITTEE
REPORTS**

Ron Bersin, Keizer, reported that the Planning Commission is continuing its work related to middle housing laws and their impact on the City's Development Code. He invited everyone to the April public hearing.

Gwen Carr, Keizer, reported on the recent Parks Advisory Board meeting sharing details about the mosaic grant and various park reports from Board members.

Lore Christopher and *Kim Steen*, Keizer, reviewed the process taken to accomplish the mosaic project at the splash fountain and shared details about the Parks Matching Grant, Board support, and donations received, and asked Council to approve the funding of the project.

PUBLIC COMMENT

Mayor Clark acknowledged for the record public comments received from *Troy Prouty* and *Heather Hawkins* regarding the ReAwaken Tour and from *Kathryn Lincoln* regarding the Keizer Community Library.

Testimony was then heard from *Ron Bersin, Nayeli Cruz, Cindy Rodriguez, Julianne Jackson, Courtney Clendening, Alex Cruz, and Rob Witters* of Keizer, and *Robert Edwards, Luis Velasco, Alex Buron, Sandra Hernandez* and *Hanna Shooting Bear* of Salem, all voicing opposition to the Reawaken Tour scheduled for April 1 and 2 at Volcano Stadium. Testimony suggested prohibiting the event because it is on land that was stolen from the Kalapuya Indians and it promotes violence. Other testimony suggested that clauses allowing the City to prohibit certain events be added to the lease agreement.

Brandon Smith from Salem and *Alexa Smith* and *Steve Harrison* from Keizer, spoke in favor of the event noting that any violence that has occurred at previous events was brought about by other organizations and that events like these are part of American freedom.

Mayor Clark thanked everyone for coming and expressing their point of view and pointed out that the Oregon constitution is clear on the right to speak but Keizer Police Department is very responsive and does not provide services based on gender or race. Chief Teague added that regarding this event Keizer police would respond to anything needed outside of the fence.

Councilor Herrera voiced support for those opposing this event. Councilor Smith encouraged everyone to have conversations to build bridges instead of division.

PUBLIC HEARING

a. Keizer Mart Liquor License Application – Change of Ownership

Mayor Clark opened the Public Hearing.

Interim City Manager Wes Hare summarized the staff report.

New owner, Tracy Bratcher, shared information about the facility.

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

Councilor Smith moved that the Keizer City Council recommend approval of the application for Keizer Mart under the guidelines 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 Kohler seconded. Motion passed as follows:

AYES: Clark, Starr, Juran, Herrera, Smith and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

ADMINISTRATIVE ACTION

a. West Keizer Neighborhood Association

Rhonda Rich, West Keizer Neighborhood Association, summarized materials published in the packet, recognized and thanked people who had attended meetings, and shared highlights of the year and goals for the coming year. She thanked Council for their continued financial support and use of the community center for meetings and asked that recognition be extended for the coming year.

- Annual Report** Councilor Smith moved that the Keizer City Council accept the Annual Report of West Keizer Neighborhood Association and extend recognition to them for an additional year. Councilor Kohler seconded. Motion passed as follows:
- AYES: Clark, Starr, Juran, Herrera, Smith and Kohler (6)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: Reid (1)
- b. ORDINANCE - Adopting the Parks and Recreation Master Plan Dated December 2021** City Attorney Shannon Johnson summarized his staff report.
- Councilor Smith moved that the Keizer City Council adopt a Bill for an Ordinance Adopting the Parks and Recreation Master Plan Dated December 2021; Amending Ordinance No. 87-077; Repealing Ordinances 2008-570, 2014-712, 2016-745 and 2016-749. Councilor Kohler seconded. Motion passed as follows:
- AYES: Clark, Starr, Juran, Herrera, Smith and Kohler (6)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: Reid (1)
- RESOLUTION – Repealing Resolutions related to previous Park Master Plans** Councilor Smith moved that the Keizer City Council adopt a Resolution Repealing R2001-1272, R2002-1349, R2006-1729, R2009-1949, R2014-2517, and R2016-2648 (Park Master Plans). Councilor Kohler seconded. Motion passed as follows:
- AYES: Clark, Starr, Juran, Herrera, Smith and Kohler (6)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: Reid (1)
- c. Mosaic Tile Art Project at the Splash Pad** Wes Hare summarized the staff report and recommended Council approval. Discussion followed regarding process, timing and from which line item the funds would be taken.
- Councilor Smith moved that the Keizer City Council direct staff to move forward with the funding of the mosaic project at the splash fountain. Councilor Kohler seconded. Mayor Clark clarified that determination of which fund would be used would be left to the discretion of staff. Motion passed as follows:
- AYES: Clark, Starr, Juran, Herrera, Smith and Kohler (6)
 NAYS: None (0)
 ABSTENTIONS: None (0)
 ABSENT: Reid (1)
- d. Fee Waiver Request for A Soggy Day In** Public Works Director Bill Lawyer summarized his staff report. Mayor Clark thanked Claggett Creek Watershed Council and shared information about the event.

**The Park at
Keizer Rapids
Park**

Councilor Smith moved that the Keizer City Council waive the fees for the April 23, 2022 Soggy Day in the Park event at Keizer Rapids Park. Councilor Kohler seconded. Motion passed as follows:

AYES: Clark, Starr, Juran, Herrera, Smith and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

**CONSENT
CALENDAR**

- a. RESOLUTION – Authorizing the City Manager to Sign the Production Studio Administration Agreement
- b. RESOLUTION – Authorizing the City Manager to Enter Into the City of Keizer Street and Right of Way Landscape Maintenance Services and Vegetated Stormwater Facility Maintenance Services Contract with Brightview Landscape Services, Inc.
- c. Approval of February 22, 2022 Regular Session Minutes
- d. Approval of March 7, 2022 Regular Session Minutes

Items a, c and d were pulled.

Councilor Smith moved for approval of Item b of the Consent Calendar. Councilor Kohler seconded. Motion passed as follows:

AYES: Clark, Starr, Juran, Herrera, Smith and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

Item a: Mayor Clark praised staff for their efforts and thanked them for keeping this service available to Keizer residents. Finance Director Tim Wood praised K23 staff as artists that are working for the City and answered questions regarding operations, equipment and website hosted broadcasts.

Councilor Smith moved for approval of Item a of the Consent Calendar. Councilor Kohler seconded. Motion passed as follows:

AYES: Clark, Starr, Juran, Herrera, Smith and Kohler (6)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: Reid (1)

Councilor Smith moved for approval of Items c and d of the Consent Calendar. Councilor Kohler seconded. Motion passed as follows:

AYES: Clark, Starr, Juran, Herrera and Kohler (5)

NAYS: None (0)

ABSTENTIONS: Smith (1)

ABSENT: Reid (1)

OTHER BUSINESS/ STAFF UPDATES Public Works Director Bill Lawyer announced that the Chamber would be flattening the ground and doing some weed control at Keizer Rapids Park in preparation for the August Keizerfest. He added that the annual flushing program would take place over the next six weeks to remove minerals from water mains and allow for high flows in the spring. This will result in some low water pressure in the middle of the night.

COUNCIL MEMBER REPORTS Councilor Herrera reported that he had participated in a Ukraine support rally and a Colored Caucus meeting, congratulated Betty Hart for receiving the Volunteer of the Week award and thanked everyone for their participation in the National Association of Latino Elected and Appointed Officials (NALEO) roundtable.

Councilor Kohler thanked Neighborhood Associations for organizing the recent candidate forum and everyone who helped with the Civic Center Cleanup event and reported on the Long Range Planning Task Force meeting and the National Eagle Scout Association Scholarship Review Committee meeting.

Councilor Smith thanked everyone who covered for her while she was out and wished her mother a happy birthday.

Councilor Starr urged everyone to participate in the April 1 Child Abuse Prevention car parade.

Councilor Juran thanked Patti Tischer and Jane Herb for organizing the recent candidate forum, reported on the Latino Business Alliance meeting and announced that the Chamber will hold Keizerfest at Keizer Rapids Park in August.

Mayor Clark shared detailed information about the National League of Women in Construction organization and urged everyone to participate in the 'Canstruction' at the Grand Theater where a reproduction of Multnomah Falls will be built out of cans of food, which will then be donated. She thanked Council for approving the fee waiver for the Joys of Living Assistance Dogs event and commended staff for making this a successful event.

AGENDA INPUT April 4, 2022, 7:00 p.m. - City Council Regular Session
 April 6, 2022, 6:00 p.m. – City Council Work Session - Library
 April 11, 2022, 6:00 p.m. – City Council Work Session – Marion Co. Turf
 April 18, 2022, 7:00 p.m. - City Council Regular Session

ADJOURNMENT Mayor Clark adjourned the meeting at 9:28 p.m.

MAYOR:

APPROVED:

Cathy Clark

Debbie Lockhart, Deputy City Recorder

COUNCIL MEMBERS

~ Absent ~

Councilor #1 – Laura Reid

Councilor #4 – Roland Herrera

Councilor #2 – Shaney Starr

Councilor #5 – Elizabeth Smith

Councilor #3 – Kyle Juran

Councilor #6 – Daniel R. Kohler

Minutes approved: _____