



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE 3573

AN ORDINANCE AMENDING CHAPTER TWO OF THE BEAVERTON CODE TO ADOPT AND ADD CERTAIN SECTIONS TO THE CODE ENTITLED "CITY COUNCIL RULES OF PROCEDURE: AND DECLARING AN EMERGENCY.

NUMBER OF PAGES

26

ORDINANCE NO. 3573

AN ORDINANCE AMENDING CHAPTER TWO OF THE BEAVERTON CODE TO ADOPT AND ADD CERTAIN SECTIONS TO THE CODE ENTITLED "CITY COUNCIL RULES OF PROCEDURE" AND DECLARING AN EMERGENCY.

WHEREAS, the Beaverton Charter of 1981 requires the Council to adopt rules for the government of its proceedings and to take certain other actions by Ordinance; and

WHEREAS, the Council desires to establish official processes for exercising the powers and carrying out the responsibilities conferred upon the Council by law, whether Federal, State, Charter, Ordinance or otherwise; and

WHEREAS, the Council having reviewed the proposed Rules of Procedure attached as Exhibit "A", which is hereby incorporated by reference as though fully set forth in this Ordinance, considers an emergency to exist in that the Charter requires the Council to adopt Rules of Procedure and it is deemed to be in the best interest of the public to adopt these rules and procedures for the exercise of Council powers and responsibilities; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Exhibit "A" incorporated by reference herein, entitled "City Council Rules of Procedure" is hereby adopted and the Beaverton Code is hereby amended to add new sections, numbered BC 2.11.010-.020, to read as set forth in Exhibit "A".

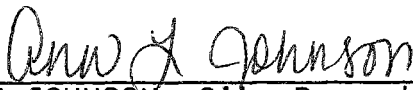
Section 2. An emergency is hereby declared to exist for

the reasons as set forth in the recitals above and the Council finds it is necessary for these amendments to take effect immediately upon adoption by the Council and approval by the Mayor.

First reading this 20th day of July, 1987.
Passed by the Council this 27th day of July, 1987.
Approved by the Mayor this 28th day of July, 1987.

ATTEST:

APPROVED:



ANN JOHNSON, City Recorder



LARRY D. COLE, Mayor

Exhibit A

CITY COUNCIL RULES OF PROCEDURE

"2.11.010 Authority and Purpose Statement. The Charter of the City of Beaverton provides that the Council shall adopt rules for the government of its proceedings. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted.

2.11.020 Rules of the Council.

A. General Rules.

1. Meetings to be Public: The deliberations and proceedings of the Council shall be open to the public, except as state law may provide otherwise (e.g., executive sessions).
2. Quorum: A majority of the incumbent members of the Council shall constitute a quorum and be necessary for the transaction of business, but a smaller number may meet and compel attendance of the absent councilors.
3. Compelling Attendance: When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any Councilor may move for a call of the house. The motion shall be put in the following form: "I move for a call of the house." That motion shall take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two Councilors present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent Councilors shall be escorted to or back to the meeting. The mayor shall provide the administrative staff assistance deemed necessary by the Councilors voting for the motion to compel the attendance of the unexcused absent Councilors at the meeting. The Councilors voting for the motion are authorized to recess the meeting to a time certain while attendance is being

compelled.

4. Minutes of Meetings:

a. Scope: This rule is designed to meet the requirement of the Beaverton Charter that the council shall keep a record of its proceedings and it shall apply to minutes of all official meetings of the council.

b. Purposes: The purposes of the minutes of the Council include the following:

1) to comply with the Oregon Public Meetings Law (ORS Chapter 192.610 - .690) and the Beaverton Charter (Section 14);

2) to provide a historical record for information, future research and examination;

3) to provide a record of directives, reports, and the like for use by the administration of the City; and

4) to provide a record of the legislative intent of the actions of the council.

c. Responsibility: The city recorder or such other person the mayor may designate shall have the responsibility for preparing minutes, correcting minutes to reflect council amendments, retaining minutes, and furnishing copies of minutes to persons desiring a copy.

d. Content of Minutes: The minutes of meetings of the Council shall comply with provisions of ORS 192.650 and amendments thereto, which specifically contain the following requirements:

1) minutes shall be taken for all meetings of the council;

2) minutes shall accurately reflect the matters discussed and views of participants;

3) minutes shall be available to the public within a reasonable time after the meeting, subject to Section (i) below, regarding a fee for copies;

- 4) Minutes shall contain the following information at a minimum:
 - a) The name of councilors and staff present;
 - b) All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - c) The result of any votes, including ayes and nays and the names of councilors who voted;
 - d) The substance of the discussion on any matter; and
 - e) Reference to any document discussed at the meeting.
 - 5) The form of executive session minutes shall be either written minutes or a sound recording.
- e. Preparation: Minutes shall be prepared with sufficient detail to meet their intended uses. Specifically, the following guidelines shall be used:
- 1) Verbatim minutes are not required;
 - 2) Notes may be taken either in shorthand or briefhand;
 - 3) Sound recordings shall be made of each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the minutes. The city recorder may temporarily interrupt council proceedings in the event of equipment malfunction, change of tapes or other cause of short-term loss of recording;
 - 4) If a verbal staff report is a summary of an agenda bill and attachment, it may be so referenced in the minutes;
 - 5) Names, and when furnished, addresses of each person testifying shall be included in the minutes;

- 6) If a citizen's verbal testimony is a summary of a written letter or other submission, it may be so referenced in the minutes;
 - 7) All exhibits submitted and received by the mayor during hearings and all other documents submitted shall be incorporated into the minutes;
 - 8) Except for delay beyond the control of the city recorder, or in the event of meetings of extraordinary length, the minutes shall be prepared in final form within three days of the meeting; and
 - 9) Minutes are public records upon composition; however, if distributed to the public before prepared in final form for council approval or if less than a full set is distributed before council approval, "DRAFT" shall be noted on the cover page, unless the minutes are to be distributed piecemeal, in which case "DRAFT" shall be noted on each reproduced page.
- f. Submittal to Council: After being prepared in final form by the city recorder or designee, the city recorder shall sign the minutes, and they shall be submitted to council as part of the "Consent Agenda" in the council's next agenda.
- g. Amendment and Approval: The council may amend the minutes to more accurately reflect what transpired at a meeting. An individual councilor may call for additions or corrections to the minutes during the Consent Agenda, and unless there is disagreement from other councilors, the motion to approve the Consent Agenda shall include the minutes as amended. If the council questions the minutes or is unsure they accurately reflect what transpired during a meeting, the council may postpone approval of the minutes until a transcript of the portion of the meeting in question can be prepared. Information

obtained subsequent to a meeting, which is relevant to discussions or action which occurred during that meeting, may be referenced into the record of the meeting at which the minutes are approved. The council is the final authority as to amendment of the minutes. After council approval, the city recorder shall incorporate any amendments approved by the council, the mayor shall sign the minutes, and the city recorder shall initial each page containing an amendment. Under no circumstances shall the minutes be changed following approval by the council, unless the council authorizes such a change.

- h. Retention: When approved and fully executed, the minutes shall be kept on file in the city recorder's office for two years, and then transferred to city vault or other storage area for permanent retention. Sound recordings of council meetings shall be retained for a minimum of five years, subject to the council ordering retention for a longer time.
- i. Public Access and Copies: Both written minutes and sound recordings shall be available for public inspection during office hours. Copies of the written minutes shall be available to the public for fifteen cents per page, which reflects the actual cost of reproduction by the city recorder. Sound recordings and a transcriber shall be available to the public for use on City premises. Citizens may use their own tapes and recorders to make copies of sound recordings. The city recorder may implement additional reasonable rules and procedures to assure the preservation of original sound recordings. The City is not required to cause a transcript to be made of council meetings. Upon a citizen request, however, copies of transcripts

made for other purposes shall be made available in the same manner and for the same cost as written minutes.

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

6. Rules of Order:

a. The following table of rules of order shall govern the proceedings of the Council in all cases. "Roberts Rules of Order Revised" shall govern in all other situations not specifically covered below. The presiding officer shall be the parliamentarian for the Council.

TO DO THIS	YOU SAY THIS	MAY YOU INTERRUPT SPEAKER	MUST YOU BE SECONDED	IS THE MOTION DEBATABLE	WHAT VOTE IS REQUIRED
*Adjourn the meeting	"I move that we adjourn"	No	Yes	No	Majority
Recess the meeting	"I move that we recess until..."	No	Yes	No	Majority
*Complain about noise, room temperature, etc.	"Point of privilege"	Yes	No	No	No Vote
*Suspend further consideration of something	"I move we table this matter"	No	Yes	No	Majority
End debate	"I move the previous question..."	No	Yes	No	2/3 Vote
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Majority
Have something studied further	"I move we refer this to..."	No	Yes	Yes	Majority
Amend a motion	"I move to amend this motion"	No	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Majority
*Object to procedure or to personal affront	"Point of order"	Yes	No	No	No Vote Chair Decides
*Request information	"Point of information"	Yes	No	No	No Vote
*Ask for a vote count to verify a voice vote	"I call for a division of the house:"	No	No	No	No Vote
*Object to considering some matter	"I object to consideration of this"	Yes	No	No	2/3 Vote
*Take up a matter previously tabled	"I move to take from the table..."	No	Yes	No	Majority
*Reconvene something already disposed of	"I move we reconvene action on..."	Yes	Yes	Yes	Majority
*Consider something not in scheduled order	"I move we suspend the rules and..."	No	Yes	No	2/3 Vote
*Vote on a ruling by the presiding officer	"I appeal the presiding officer's decision"	Yes	Yes	Yes	Majority

* = NOT AMENDABLE

b. Types of Meetings.

- 1) Regular Meeting: The Council shall meet in the designated council chambers for regular meetings unless another facility is needed to accomodate an anticipated increase of attendance by the public at any meeting. The regular Council meetings are to commence at 6:30 p.m., the first four Mondays of each month, unless the Council cancels a specific meeting.
- 2) Special Meetings: Special meetings may be called by the mayor or by two or more Councilors. The call for a special meeting shall be filed with the city recorder in written form provided by the city recorder, except that announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such special meeting. The call for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least twenty-four (24) hours after the call is issued, unless an emergency is declared by the caller(s). Only such business may be transacted at a special meeting as may be listed in the call for said meeting or as incident thereto.
- 3) Recessed Meetings: Any meeting of the Council may be recessed to a later time or date and time, provided that no recess shall be for a longer period than until the next regular meeting.
- 4) Executive Sessions: Executive sessions or closed meetings may be held in accordance with

the provisions of the state public meetings law. During executive sessions, the council may exclude all employees of the city from the meeting. Unless excluded, the city recorder and city attorney, or their designate, shall attend as well as staff members affected by the specific matter before the Council. The mayor shall determine which members of the administrative staff shall attend, subject to some or all of them being excluded by the council. All other persons, including other members of the administrative staff shall not attend executive sessions unless specifically invited by the council. Media representatives permitted by state law to attend shall be given an oral or written admonition by the presiding officer prohibiting disclosure of the substance of any discussion during executive sessions. Any individual representative of the media who violates this admonition may be barred by the council from subsequent executive sessions.

c. Presiding Officer and Duties.

- 1) Presiding Officer. The mayor shall preside at all meetings of the council. In the absence of the mayor, the president of the council shall preside. In the absence of both the mayor and the president of the council, the council shall elect a councilor to preside at the meeting.
- 2) Call to Order. The meetings of the council shall be called to order by the mayor, or in the mayor's absence, by the president of the council. In the absence of both the mayor and the president of the council, the meeting shall be called to order by any councilor for the purpose of electing a councilor to preside at

the meeting.

- 3) Preservation of Order. The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of councilor's motives, and confine councilor debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive, or disruptive may be removed from the meeting. The presiding officer may summon the assistance of the police or other administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary by the presiding officer to restore or maintain order, the presiding officer may sign a complaint or citation on behalf of the city.
- 4) Points of Order: The presiding officer shall determine all points of order, subject to the right of any councilor to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?".
- 5) Questions to be Stated: The presiding officer shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any councilor in the same manner as the final adoption of an ordinance.
- 6) Substitution for Presiding Officer: The presiding officer may call the president of the council or, if absent, any other councilor to temporarily preside over the meeting in order to take part in debate, to make a motion, or to cover a temporary absence, such substitution not to continue beyond adjournment.

d. Order of Business and Agenda.

- 1) Order of Business. The general rule as to the order of business in regular meetings shall be as follows:
 - a) call to order;
 - b) roll call;
 - c) visitors. Presentation of any matter not on agenda, with discussion limited to five minutes unless council extends the time;
 - d) consent agenda, which includes approval of minutes;
 - e) public hearings;
 - f) action items, including unfinished and new business;
 - g) special presentations to the council;
 - h) ordinances, including readings and/or adoption;
 - i) Council items;
 - j) staff items or reports;
 - k) adjournment.
- 2) Agenda: The order of business of each meeting shall be as contained in the agenda prepared by the city recorder. The agenda shall be a listing by topic of subjects to be considered by the council. The mayor shall determine agenda items or cause any item requested by a councilor to be placed on the agenda in a timely manner. The agenda shall be delivered to members of the council at least twenty-four (24) hours preceding the meeting to which it pertains, unless an emergency meeting is duly called.
- 3) Presentation by Councilors: The agenda shall provide a time when any councilor may bring before the council any business the

councilor feels should be deliberated upon by the council. These matters need not be specifically listed on the agenda, but the council may decline formal action on such matters or the matter may be deferred by the council to a subsequent meeting.

E. City Attorney.

1. Office of City Attorney.

- a. The City shall have an office of city attorney consisting of the city attorney, and such additional staff as determined by the council upon the recommendation of the city attorney. The city attorney shall be appointed and removed from office by a majority vote of the entire council.
- b. The council shall annually review the performance and salary of the city attorney and any recommendations of the city attorney as to staff salaries.
- c. The city attorney and city attorney staff shall receive retirement benefits, vacation, holiday and sick leave benefits, other fringe benefits and working conditions not less than those applicable to comparable City positions.

2. Duties. The city attorney shall be the full time chief legal officer of the city and have the following duties:

- a. Provide legal advice and opinions orally and in writing to the council, mayor and any other person if authorized by the council or any administrative staff authorized by the mayor to obtain such advice and opinions;
- b. Review and approve as to form all written contracts, bonds, real property instruments and other legally binding documents to which the city is a party;
- c. Prepare or have final approval over all ordinances, resolutions, orders and other documents of council decisions, prior to their submission to the council

- for adoption or approval;
- d. Represent and defend the city and its boards, commissions, committess, officers and employees. The city attorney shall not represent persons who the Council determines have acted outside the scope of their employment or duties, committed malfeasance in office, or willful neglect of duty;
 - e. Institute legal actions for the city in any court or tribunal as directed by the council. If approved by the council, the city attorney shall institute appeals on behalf of the city in any case in which another party has first appealed. The city attorney shall institute other appeals as directed by the council;
 - f. Manage all legal aspects of the city's self insurance program, including claims investigation, settlement and litigation;
 - g. Coordinate, supervise and control services of legal counsel retained to represent the city as well as the attorneys and support staff of the office;
 - h. Subject to prior approval by the council, select and retain all outside legal counsel employed by the city. The city attorney shall coordinate and supervise all services performed by such counsel and shall approve all legal fees prior to payment;
 - i. Present a copy of the proposed office of city attorney budget to the council at the same time as submission to the mayor for internal staff review. Internal staff review changes, if any, shall be submitted to the council for review and concurence prior to submission to the budget committee.
 - j. Submit written or oral reports to the council as frequently as required by the council concerning the status of all tort claims and legal actions in which the city is a party; and
 - k. Such other duties as the council shall, from time to

time, assign to the city attorney.

3. Staff Attorneys. The city attorney is authorized to designate any staff attorneys as acting city attorney in the city attorney's absence, and the acting city attorney shall have and exercise the power and authority of the city attorney. Whenever possible, the city attorney shall notify the council in advance of any anticipated absence extending beyond five working days.
4. Records.
 - a. The city attorney shall have physical control of the office of city attorney and exclusive custody of all legal papers and records pertaining to that office.
 - b. The city attorney shall maintain a set of pleadings of all pending legal actions in which the city or any department, official, or city employee is a party. Where such actions are conducted by outside legal counsel retained by or for the city, the city attorney shall keep those records supplied to the office which the city attorney deems advisable.
 - c. The city attorney shall maintain records of all significant written opinions furnished to the city or to any department, official, or employee, and archive and index them within the office. To maintain complete confidentiality within the office, at least one system of word processing/computer equipment shall be document oriented, with full page viewing capacity, and be self contained with the ability to store and print materials exclusively within the office for retention, indexing and archiving. This system of equipment shall not be linked to the mainframe or any other system within the City unless consented to by the city attorney.
5. Attorney-Client Relationship. The city and the office of city attorney shall have an attorney-client relationship, and the city shall be entitled to all the

benefits thereof.

6. Settlements. The city attorney may settle legal claims as follows:

- a. tort claims under \$10,000 pursuant to the city's self insurance program;
- b. tort claims in an amount of \$10,000 or more, upon approval by the council;
- c. claims arising out of enforcement of any code requirement, including payment of any city fee, account receiveable, or for the payment of any penalty or interest.

F. Committees. The council may create committees to assist in the conduct of its charter duties with such assignments as the council may specify. The mayor shall appoint members to such committees to serve until the special purpose for which the committee was created has been accomplished or the committee is abolished by the council. All committees so created shall be advisory to the council and shall conduct their meetings in accordance with the public meetings law.

G. Conduct of Hearings:

1. Scope of Rules. The rules contained in this section (G) shall govern the conduct of administrative, quasi-judicial hearings held by the council including, but not limited to, those held pursuant to the Development Code of the city. The mayor may apply any of these rules, which are relevant, to any legislative public hearing, unless the codes of the City require otherwise or the council does not concur.

2. Nature and General Conduct of Hearing.

- a. The council, when conducting any such hearing shall afford persons entitled under the codes of the city, such as the Development Code, notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, to have the proceedings recorded, and to have a decision based on substantial evidence.

- b. No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct.
 - c. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.
 - d. No person shall testify without first receiving recognition from the presiding officer and stating his or her name and residence or business address.
 - d. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by city personnel shall be deemed relevant, material and competent unless objected to by a party to the hearing with good cause and at the first available opportunity.
 - f. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.
 - g. The presiding officer, councilors, city attorney and, with the approval of the presiding officer, any other officer or employee of the city may question and cross-examine any person who testifies.
3. Challenging Participation by a Councilor.
- a. Any proponent, opponent of, or other party interested in a matter to be heard by the council may challenge the qualification of any councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a councilor's bias, prejudgment, personal interest, or other facts from which the party has concluded that the councilor will not participate and make a decision in an impartial manner.
 - 1) Such challenge must be made prior to the

commencement of the public hearing.

- 2) Such challenge shall be incorporated into the record of the hearing.
- b. No councilor shall participate in discussion or vote on the matter when for any reason the councilor determines he or she cannot participate in the hearing and decision in an impartial manner.
 - c. No other officer or employee of the city who has a financial or other private interest shall participate in discussion with, or give an official opinion to, the council on the matter without first declaring for the record the nature and extent of such interest.
 - d. The general public has a right to have councilors free from pre-hearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, councilors shall reveal any significant pre-hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing on the matter. If such contacts have impaired the councilor's impartiality or ability to vote on the matter, the councilor shall so state and shall abstain therefrom.
 - e. Notwithstanding any provision of this or any other rule: (1) an abstaining or disqualified councilor may be counted for purposes of forming a quorum; and (2) a councilor may represent himself or herself, a client or any other member of the public at a hearing, provided that councilor:
 - 1) abstains from the vote on the matter;
 - 2) removes himself or herself from the council area and joins the audience; and
 - 3) makes full disclosure of his/her status and position at the time of addressing the council.

4. Presiding Officer.

- a. The mayor, or in the absence of the mayor the council president, shall be the presiding officer at all hearings. In their absence, or with their consent, the council may designate one of its members to act as presiding officer at a hearing.
- b. The presiding officer shall have authority to:
 - 1) regulate the course and decorum of the hearing;
 - 2) dispose of procedural requests or similar matters;
 - 3) rule on admissibility of exhibits and other documents into evidence, offers of proof and relevancy of evidence and testimony;
 - 4) impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations, cross-examination of witnesses and rebuttal testimony; and
 - 5) take such other action authorized by the council appropriate for conduct commensurate with the nature of the hearing.

5. Burden and Nature of Proof. The burden of proof is upon the proponent, if any. The more drastic the change, or the greater the impact of a proposal in an area, the greater is the burden upon the proponent.

6. Order of Procedure. The presiding officer, in the conduct of the hearing shall:

- a. Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
- b. Call for Abstentions.
 - 1) Inquire of the council whether any member thereof wishes to abstain from participation

in the hearing. Any councilor then announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.

- 2) Any councilor whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex parte or prehearing contact with proponents or opponents, may make a statement in response thereto or in explanation thereof, as part of his or her decision to participate in the hearing. This statement shall not be subject to cross-examination, except upon consent of that councilor, but shall be subject to rebuttal by the proponent or opponent, as appropriate.
- c. Objections to Jurisdiction. Inquire of the audience whether there are any objections to the jurisdiction of the council to hear the matter. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the council lacks jurisdiction or the procedural requirements of any code or ordinance provision were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the council.
 - d. Staff Report; Planning Commission Recommendation; Etc. Summarize the nature of the matter, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the Planning Commission or other appropriate board or agency and provide such other information as may be requested by the council. The presiding officer may request a representative of staff or any other city officer or

- employee to perform this duty.
- e. Proponent's Case. The presiding officer shall determine whether the proponent will present the case in person or by representative. The applicant-proponent shall first be heard and persons in favor of the proponent's proposal shall next be heard.
 - f. Opponent's Case. Opponents shall be heard in the following order:
 - 1) Neighborhood associations, special organizations formed for the purpose of opposition, or other groups represented by counsel or a spokesperson shall be allowed by the presiding officer to first proceed.
 - 2) Persons who received notice of the hearing or who were entitled to receive notice of the hearing are presumed to have an interest in the proposal and shall next be heard.
 - 3) Persons who did not receive notice and who were not entitled to notice shall next be heard.
 - g. Public Agencies. The presiding officer shall allow representatives of any city, state agency, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to next be heard.
 - h. Rebuttal Evidence. The presiding officer shall allow the proponent to offer rebuttal evidence and testimony and, if provided, allow the opponent or other interested party to rebut the new evidence or testimony offered by proponent's rebuttal.
 - i. Written Communications. Written communications addressing a matter before the council at a hearing shall be distributed to the council before commencement of the hearing and considered for receiving into evidence.
 - j. Close of Hearing and Deliberation by Council. The presiding officer shall conclude the hearing and the council shall deliberate the matter. The council

shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, the staff, or the planning commission, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings and the presiding officer shall not allow additional submission of testimony, except upon approval by the council.

7. Official Notice.

- a. The council may take official notice of the following:
 - 1) all facts which are judicially noticeable; and
 - 2) the charter, codes, ordinances, resolutions, rules, regulations and official policies (if written) of the city.
- b. matters officially noticed need not be established by evidence and may be considered by the council in the determination of the proposal.

8. Record of Proceedings.

- a. The city recorder, or other designee of the presiding officer, shall be present at each hearing and shall cause the proceedings to be stenographically or electronically recorded. It shall not be necessary to transcribe testimony unless required for judicial or administrative review or unless ordered by the council.
- b. The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering the same and whether presented on behalf of proponent or opponent. Unless evidence is capable of being offered and incorporated in the record of the case, it shall not

be received. All exhibits received into evidence shall be retained by the council until after any applicable appeal period has expired, at which time the exhibits may be released upon written request to the person identified thereon.

- c. Any member of the public shall have access to the record of the proceedings at reasonable times, places and circumstances. Any member of the public shall be entitled to make copies of the record at his or her own expense.

9. Publication of Hearing Rules.

- a. These rules governing the conduct of hearings shall be placed of record with the city recorder.
- b. A copy of these rules for conduct of hearings shall be available to the public at a cost of 15 cents per page (which represents the actual cost of reproduction).
- c. These rules are supplementary to any other rules of procedure adopted by the council, provided, however, these rules shall control where there are conflicting provisions, unless provided otherwise herein.

H. Execution of Contracts.

1. Purpose. This rule constitutes guidelines for executing certain contracts which the council has authorized, through the contract review process, the development process or the budget process. It does not affect the need for public bidding or the function of the contract review board. It clarifies when a contract may be executed by the mayor or mayor's designee without additional council approval of the contract itself.
2. The mayor or the mayor's designee, may execute the following contracts without further council approval:
 - a. The resulting contract when the council acting

as the contract review board selects a contract bid or proposal or authorizes an exemption.

b. Real property acquisitions which are an incidental part of a public improvement project approved by council, or acquisitions which are a condition of a development permit, unless the other party requires council approval.

c. Except for real estate transactions not covered by subsection 2.b. above, and outside legal counsel's services which must be approved by the council, all other public contracts, providing any funds required to be paid by the city pursuant to the contract have been specifically identified in the budget and do not exceed the amount appropriated for the purpose. As stated in subsection (1) above, if the contract review board must select a vendor, it shall be submitted to the board prior to execution.

I. Reconsideration of Actions Taken. Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the city, any councilor who voted with the majority or was not present at the time of the vote may move for reconsideration of an action at the same or the next following regular meeting of the council. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent of the council.

J. Councilor Liaison to Committees, Boards and Commissions. Unless specifically provided otherwise in the codes, ordinances, resolutions or other regulation of the city, a councilor who is the Council Liaison to any committee, board or commission of the city shall not chair that body and shall be an ex-officio, nonvoting member of the committee, board, or commission. Nothing in this rule is intended to limit the

councilor's right to take part in all discussion and debate in any matter before the committee, board or commission.

- K. Evaluation of Council Officers. The Charter provides that the council, by majority vote of the entire council, shall appoint and may remove a municipal judge, city attorney and auditor for the city. No later than the end of November of each year, the president of the council shall conduct an evaluation on behalf of the council for each of the council officers and, if applicable, their respective offices in general, in a manner established by the council. The formal written evaluation in draft form shall be distributed to each of the other councilors for their comment, possible amendment and approval prior to its adoption as an act of the council.
- L. Requests for Administrative Staff Action; Consensus of council. This rule governs situations where, although no formal vote is taken on a matter discussed by the council at a meeting, at least one councilor requests some action from the administrative staff. The presiding officer shall determine if agreement exists among all councilors present at the meeting. If consensus is established or a formal vote is taken approving the request for action, the directive shall be made to the mayor rather than the individual staff member. This rule does not apply to matters directed to the city attorney, municipal judge or auditor.
- M. Suspension of Rules. Any provision of these rules not required by state law or the Beaverton Charter may be temporarily suspended by the council."

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