

CODE

ORDINANCE NO. 4543

**AN ORDINANCE AMENDING CHAPTER 2.11 OF THE BEAVERTON CITY CODE
RELATING TO COUNCIL PROCEDURES**

WHEREAS, the City Council determines that it is appropriate to make adjustments to its process and procedures; and

WHEREAS, the Council determines that a change from its regular scheduled meeting night of Monday to Tuesday night will better serve the Council, City, and public; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Chapter 2.11 of the Beaverton Code is amended as described in the attached Exhibit "A".

Section 2. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force.

Section 3. This Ordinance shall be effective on October 1, 2010 or 30 days after passage, whichever is later.

First reading this 7th day of June, 2010.

Passed by the Council this 12th day of July, 2010.

Approved by the Mayor this 13th day of July, 2010.

ATTEST:

APPROVED:



SUE NELSON, City Recorder



DENNY DOYLE, Mayor

EXHIBIT A

Sections:

2.11.010 Authority and Purpose Statement.

2.11.020 Rules of the Council.

2.11.010 Authority and Purpose Statement.

The Charter of the City of Beaverton provides that the Council shall adopt rules for the governance 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. To the extent these rules exceed the requirements of the state public meetings laws, these rules provide guidelines for Council procedures and may be varied by the Council as needed. [BC 2.11.010, added by Ordinance No. 3573, 7/28/87]

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 requirements 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 – 192.690) 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 (h) 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) Electronic 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 or other cause of short-term loss of recording;
- 3) if a verbal staff report is a summary of an agenda bill and attachment, it may be so referenced in the minutes;
- 4) names of each person testifying shall be included in the minutes;
- 5) if a citizen's verbal testimony is a summary of a written letter or other submission, it may be so referenced in the minutes;
- 6) all exhibits submitted and received by the mayor during hearings and all other documents submitted shall be incorporated into the record;
- 7) 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. Public Access and Copies: Both written minutes and recordings shall be available for public inspection during office hours. Copies of the written minutes shall be available to the public for cost which reflects the actual cost of reproduction by the city recorder. Recordings shall be available to the public for use on City premises. Citizens may use their own equipment to make copies of recordings. The city recorder may implement additional reasonable rules and procedures to assure the preservation of original 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 table of rules of order at the end of this section shall govern the proceedings of the Council in all cases. "Roberts Rules of Order Revised" shall govern in all other situations not specifically covered therein. The presiding officer shall be the parliamentarian for the Council.

B. Types of Meetings.

1. Regular Meetings: The Council shall meet in the designated council chambers for regular meetings unless another facility is needed to accommodate 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 Tuesdays of each month, unless the Council cancels a specific meeting. The regular meetings can include all items listed under section "D. Order of Business" or may be limited to study or work sessions in which no official action is taken.

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 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 order of business may be varied by the Council. 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 City related matter not on a land use or public hearing agenda, with discussion limited to five minutes and the total time on the agenda for this item shall be 30 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.