

ORDINANCE NO. 4764**CODE**

**AN ORDINANCE REPEALING AND REPLACING BEAVERTON  
CODE CHAPTER 2.11 RELATING TO COUNCIL RULES OF  
PROCEDURE AND AMENDING BEAVERTON CODE CHAPTER  
1.05 RELATING TO THE CITY ATTORNEY**

**Whereas**, Chapter IV, Section 12 of the Beaverton Charter requires the City Council to adopt rules of its proceedings; and

**Whereas**, the City Council first enacted its Council Rules of Procedure in 1987 and has not made any major changes since 2010; and

**Whereas**, the City of Beaverton (City) would like to revise its Council Rules of Procedure to more appropriately reflect the rules of its procedures; and

**Whereas**, the City desires to separate sections from its current Council Rules of Procedure that are unrelated to the rules for its proceedings and move them into other parts of City Code.

Now, therefore,

**THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:**

**Section 1.** Beaverton Code Chapter 2.11 is hereby repealed and replaced as follows:

**2.11.005 Short Title.**

BC 2.11.005 to 2.11.075 shall be known as and may be cited as the "City Council Rules of Procedure" and may be referred to herein as "this chapter."

**2.11.010 Authority.**

This chapter implements Chapter IV of the Beaverton Charter, which requires City Council to adopt rules to govern its proceedings.

**2.11.015 Public Meetings Law.**

All Council meetings shall comply with applicable provisions of Oregon Public Meetings Law. To the extent these rules conflict with state law, state law prevails. To the extent these rules exceed the requirements of Oregon Public Meetings Law, the City Council may suspend these rules as provided in BC 2.11.075.

**2.11.020 General Governance.**

- A. **Quorum.** A majority of the city councilors present constitutes a quorum. However, a smaller number may meet and compel absent members to attend as provided in BC 2.11.020(B).
- B. **Compelling Attendance.**
1. When a quorum is not present at the time set for a meeting or when quorum has been present and a meeting has commenced and a quorum is no longer present, any city councilor may move for a call of the house.
  2. The motion for a call of the house shall take precedence over all other business. The motion need not be seconded, but it is subject to discussion. Two city councilors must concur for the motion for a call of the house to pass.
  3. If the motion is passed, then the Mayor shall compel attendance by using reasonable means, including providing administrative staff assistance, to effect the attendance of unexcused and absent city councilors. The city councilors voting for the motion are authorized to recess the meeting to a time certain while attendance is being compelled.
  4. City councilors being compelled to attend may use electronic means to attend the meeting.
- C. **President of the Council.** At the first meeting of each calendar year, a city councilor shall nominate, from the floor, a city councilor for the position of president of the council. Nominations shall continue until no more are nominated. A city councilor who receives the majority vote of city councilors present and voting shall become the president of the council for that year.
- D. **Presiding Officer.**
1. The Mayor shall preside over all meetings of the Council. In the absence of the Mayor, the president of the council shall preside.
  2. In the absence of both, the city recorder shall call the Council to order and call the roll of the city councilors. After the city recorder calls the roll, the city councilors present shall then elect, by majority vote, a temporary presiding officer for that meeting. If the Mayor or president of the council should later arrive to the meeting, the temporary presiding officer shall relinquish control of the meeting upon conclusion of the item presently being discussed. A temporary presiding officer may call any other city councilor to temporarily preside over a meeting in order to take part in debate, to make a motion, or to cover a temporary absence, except that such substitution shall not continue beyond adjournment.
- E. **Presiding Officer's Duties.** The presiding officer shall:

1. Call all Council meetings to order.
  2. Determine all points of order, subject to the right of any city councilor to appeal to the City Council.
  3. Recognize any city councilor desiring to be heard.
  4. State all questions submitted for a vote and announce the result.
  5. Preserve order and decorum during meetings, and confine debates to the question under discussion. The presiding officer may cause persons in attendance at the meeting who become actually disorderly or disruptive to be removed from the meeting. The presiding officer may ask police to remove the person from the Council meeting.
  6. Call short recesses during a meeting if deemed necessary by the presiding officer.
- F. **Agenda.** The Mayor shall determine the agenda items or cause any item requested by a city councilor to be placed on the agenda in a timely manner. The city recorder shall prepare the agenda and deliver the agenda to city councilors at least 24 hours before the Council meeting to which the agenda pertains, unless an emergency meeting is duly called.
- G. **Order of Business.** The order of business for all regular meetings shall generally be as follows.
1. **Call to order.** The call to order shall note the date, time, and location of the meeting so that it may accurately be reflected in the minutes.
  2. **Roll call.** The city recorder shall conduct the roll call to determine who among the Mayor and city councilors is present and who is absent.
  3. **Proclamations.**
  4. **Special presentations to City Council.**
  5. **Visitor comment period.** A visitor may provide comments on any city-related matter that is not on the agenda for a land use or public hearing. A visitor must complete a visitor comment card with the visitor's name, address, and topic on which the visitor wishes to speak and must submit it to the city recorder. A visitor's comments shall not exceed five minutes, and the total time is generally limited to 30 minutes, unless City Council extends the total time. The presiding officer may alter the amount of time a visitor is allotted depending on the number of cards received. City councilors may, after obtaining the floor, engage with a visitor after a visitor provides comments.
  6. **Council items.** Any city councilor may bring any matter before City Council the councilor feels should be deliberated upon by the City Council. The City

Council may decline to take formal action on such matters or may defer such matters to a subsequent meeting.

7. **Staff items or reports.**

8. **Consent agenda.**

- i. All items on the consent agenda shall be approved by a single motion, unless a city councilor pulls an item for separate consideration.
- ii. A city councilor should provide reasonable advance notice to the city recorder and the Mayor before a meeting if a city councilor knows that he or she wants to pull an item from the consent agenda for separate consideration. However, a city councilor may also pull an item from the consent agenda during "Council items" of that meeting.
- iii. As used in this subsection, "separate consideration" means any proposal to adopt a different course of action that is recommended in the staff report, a determination that debate or comment on a proposed course of action is deemed desirable, question or questions that need to be asked to staff on an item, or any item where a city councilor must declare a conflict of interest.

9. **Public hearings.** See BC 2.11.030.

10. **Action items.**

11. **Ordinances, including readings and/or adoption.**

12. **Work sessions.** A work session is intended to allow staff to present information to City Council and for preliminary discussions to occur between city councilors, and the City Council is not permitted to take final action on any matter at a work session.

13. **Executive sessions, as needed.** See BC 2.11.025(D).

14. **Council new business.**

15. **Adjournment.**

H. **Varying the Order of Business.** When it appears to be in the best interests of the public, the presiding officer may vary the order of business for any single meeting. If a city councilor objects to the change, the city councilor may move to reinstate the order of business or move to have an alternative order of business. If the motion is seconded by another city councilor and passed by a majority vote of city councilors present and voting, the order of business passed shall be the order of business for that meeting.

**2.11.025 Meeting Time, Frequency, and Location**

**A. Regular Meetings.**

1. **In General.** The City Council shall set a regularly-scheduled time for its regular meetings through Council resolution. A majority of city councilors may individually make a request to the city recorder to cancel a regular meeting, provided, however, that the City Council must hold a regular meeting at least once each month.
2. **Round Table.** The City Council may hold a regular meeting that includes, but is not limited to, work sessions in which no final action is taken. Regular meetings that are primarily work sessions are meetings set aside for the City Council to have an in-depth discussion of broader, strategic policy issues.
3. **Recording.** The city recorder shall electronically record all regular meetings. The city recorder may temporarily interrupt Council proceedings if there is an equipment malfunction or other cause of short-term loss of recording.

**B. Special Meetings.**

1. Special meetings may be called by the Mayor or by two or more city councilors. The city councilors who want to call a special meeting shall individually make a request to the city recorder. Special meetings shall be held at least 24 hours after the call is issued.
2. At a special meeting, only matters reasonably related to the meeting's stated subject or subjects may be discussed.

**C. Emergency Meetings.**

1. Emergency meetings may be called by the Mayor or by two or more city councilors with less than 24 hours' notice. The city councilors who want to call an emergency meeting shall individually make a reasonable effort to contact the city recorder.
2. After the emergency meeting is called to order, the City Council shall immediately identify why the meeting could not be delayed for 24 hours and the minutes of the emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

**D. Executive Sessions.**

1. Only city councilors, the Mayor, and persons specifically invited by the Mayor or the City Council shall be allowed to attend executive sessions. The City Council may exclude a person invited if a majority of city councilors moves to exclude that person from attending.
2. Representatives of recognized news media may attend executive sessions, other than those sessions during which the City Council conducts

deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the representative of recognized news media is a party to the litigation.

3. Representatives of recognized news media in attendance shall be given an oral or written admonishment by the presiding officer prohibiting disclosure of the substance of any discussion during the executive session.

- E. **Recessed Meetings.** The City Council may have a meeting recessed to a later time or date, provided, however, that no recess shall be for a longer period than until the next regular meeting.
- F. **Location.** Unless otherwise provided in City Council's published notice of its meetings, Council meetings shall be held in Council Chambers at City Hall.
- G. **Notice.** The city recorder shall provide notice of all Council meetings in accordance with Oregon's Public Meetings Law.
- H. **Attendance.** A city councilor shall provide reasonable notice to the city recorder if he or she will be unable to attend a Council meeting. Under the Beaverton Charter, a city councilor's position becomes vacant when a city councilor is absent from Council meetings held within any consecutive 60-day period without the consent of the City Council and the City Council makes a declaration of that vacancy.

#### **2.11.030 Public Hearings Generally.**

- A. City Council shall hold a public hearing before the first reading of any ordinance that proposes to enact a new ordinance or amend or repeal an existing ordinance or provision of The Beaverton Code, 1982. City Council may hold a public hearing on any other matter that the Mayor or City Council deems appropriate.
- B. Persons wishing to speak at a public hearing shall complete a comment card with the person's name and address and provide the card to the city recorder before the public hearing begins.
- C. The presiding officer shall announce the start of the public hearing as set forth in the agenda and shall declare the public hearing open at the appropriate time.
- D. Each person shall give his or her name, address, and city of residence before giving testimony.
- E. City councilors may, after recognition by the presiding officer, ask clarifying or follow-up questions of individuals providing testimony after a person has given testimony. Questions should relate to the testimony being provided.

- F. City councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions to staff. Questions posed to staff should relate to testimony provided.
- G. During a public hearing, the presiding officer may:
  - 1. Exclude or limit cumulative, repetitious, or immaterial matters;
  - 2. Arrange the speakers in any manner;
  - 3. Limit testimony to less than five minutes for each person who have stated their interest in testifying;
  - 4. With City Council's consent, by majority consensus, further limit the time to or number of speakers at a public hearing, provided that the presiding officer announces the more limited restriction before a public hearing begins.
- H. At the end of a public hearing, each city councilor shall have an opportunity to comment on or discuss the testimony given during that public hearing.
- I. A copy of any written testimony or physical materials, which a person desires to be introduced into the record of the public hearing shall be submitted to the city recorder. Documents submitted to the city recorder for a public hearing are public records.

**2.11.035 Land Use Hearings.**

City Council shall conduct land use hearings in accordance with the Beaverton Development Code Section 50.85 to 50.88 and any other applicable city ordinance.

**2.11.040 Other Quasi-Judicial Hearings.**

- A. **Scope of Rules.** These rules shall govern the conduct of administrative, quasi-judicial hearings held before City Council. They do not cover land use hearings held pursuant to the Beaverton Development Code.
- B. **Burden and Standard of Proof.** The burden of proof rests on the proponent of the matter. The standard of proof is by a preponderance of the evidence.
- C. **Presiding Officer's Duties at Hearing.** The presiding officer has the authority to:
  - 1. Regulate the course of the hearing.
  - 2. Dispose of procedural requests and other similar matters.
  - 3. Rule on the 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.

5. Take any other action appropriate for conduct commensurate with the nature of the hearing.

D. **Written Communications.** Written communications provided to the city recorder before the hearing shall be distributed to the City Council before the hearing begins and shall be considered by the presiding officer as to whether they should be admitted into evidence.

E. **Abstentions.**

1. Before a hearing begins, a city councilor shall reveal any significant pre-hearing or *ex parte* contacts with regard to the matter as early as possible. If such contacts have impaired a city councilor's impartiality or ability to discuss or vote on the matter, the city councilor shall state the extent of the contacts and refrain from participating in the hearing.
2. If the hearing is on a matter in which a city councilor has an actual conflict of interest, that city councilor shall announce publicly the nature of the conflict and refrain from participating in any discussion or debate and from voting in the hearing.
3. Notwithstanding subsection 1 or 2 of this section, any abstaining city councilor may be counted for purposes of establishing a quorum.

F. **Hearing Procedure.**

1. The presiding officer shall first announce the nature and purpose of the hearing and summarize the rules of conduct for the hearing.
2. The presiding officer shall then inquire whether any city councilor wishes to abstain from participating in the hearing.
  - a. Any city councilor abstaining shall identify the reason for abstaining and shall not participate in discussion of the matter or vote on the matter.
  - b. If no city councilor abstains and a proponent, opponent, or other party wishes to challenge a specific city councilor's lack of abstention, the person challenging shall state any facts relating to the alleged impartiality or other interests that impair that city councilor's ability to participate in the hearing. The presiding officer shall then provide an opportunity to the city councilor to respond. The city councilor's response is not subject to cross examination, but is subject to rebuttal. After all statements have been given, the City Council shall vote on a motion accepting or denying the challenge.



3. The presiding officer shall then inquire of the audience on whether there are any objections to the jurisdiction of the City Council to hear the matter. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the City Council lacks jurisdiction or the procedural requirements of any city code or ordinance were not met.
4. City staff shall first be provided the opportunity to describe the nature of the matter, explain any information provided in the record, summarize the staff report and applicable findings, and provide any other information as may be requested by City Council.
5. The proponent shall then present his or her case.
6. Any persons in favor of the proponent's proposal may be heard next.
7. Any opponents shall next present his or her case, which shall be heard in the following order:
  - a. Any neighborhood associations, special organizations formed for the purpose of opposition, and other groups represented by counsel or a spokesperson.
  - b. Any persons who received notice of the hearing or were entitled to receive notice of the hearing.
  - c. Any persons who did not receive notice and who were not entitled to receive notice.
8. Public agencies, if applicable, may be heard next.
9. 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 the proponent's rebuttal.
10. The presiding officer shall then conclude the hearing and the City Council shall deliberate the matter. The City Council shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponent, staff, or other board or commission, or may continue its deliberations to a subsequent meeting. If deliberations are continued, the City Council must announce the time and place of the subsequent meeting. The presiding officer shall not allow additional submission of testimony beyond the hearing, except upon approval by the City Council.

**G. Record of Proceedings.**

1. The city recorder shall be present for the hearing and shall cause the proceedings to be electronically recorded. Transcription is not necessary

unless required by judicial or administrative review or ordered to by the City Council.

2. The presiding officer shall receive all physical and documentary evidence presented and admitted into the record. Each physical or documentary evidence admitted shall be marked to show the identity of the person offering them and whether they were presented on behalf of the proponent or opponent.
3. The city recorder shall retain all exhibits received into evidence until after any applicable appeal period has expired, at which time the exhibits may be released, upon written request, to the person submitting them.

#### **2.11.045 Minutes.**

A. **Written Minutes.** Verbatim minutes are not required. All minutes shall be in written form, with an electronic copy of the meeting minutes maintained by the city recorder in accordance with the City's record retention schedule.

B. **Minimum Requirements.** The minutes should generally contain the following information:

1. The date, time, and location of the meeting;
2. The city councilors present;
3. The motions, proposals, resolutions, orders, ordinances, and measures proposed, and their disposition;
4. Staff reports, if it is a summary of an agenda bill and attachment;
5. The name of each person testifying, if applicable, and indicate if the person's verbal testimony is a summary of a written letter or other submission;
6. The results of all votes and the vote of each city councilor by name;
7. The substance of any discussion on any matter; and
8. A reference to any document discussed at the meeting.

C. **Preparation of the Minutes.**

1. If minutes or a subset of minutes are distributed to the public before it is prepared in its final form for City Council approval, then "DRAFT" shall be noted on each page.
2. After the city recorder has prepared the minutes in its final form, the city recorder shall submit the minutes to City Council as part of the consent agenda in the City Council's next regular meeting.

D. **Amendments to the Minutes.**

1. The City Council may amend the minutes to more accurately reflect what transpired at a meeting.
2. An individual city councilor may call for additions or corrections to the minutes during the consent agenda. Unless there is disagreement from other city councilors, the motion to approve the consent agenda shall include the minutes as amended.
3. If the City Council questions the minutes or is unsure that the minutes accurately reflects what transpired at a meeting, the City Council may postpone approval of the minutes until a transcript of the portion of the meeting can be prepared. Information obtained subsequent to a meeting that is relevant to discussions or actions occurred during the meeting may be referenced into the record of the meeting at which the minutes are approved.
4. After the City Council approves the minutes, the city recorder shall incorporate any amendments approved by City Council and the Mayor and the city recorder shall sign the minutes.
5. Minutes shall not be further amended without City Council approval.

**2.11.050 Reconsideration of Actions Taken.**

Unless specifically governed by a city ordinance, resolution, or regulation, any city councilor who voted with the majority or was not present at the time of a vote may move for reconsideration of an action at the same or next regular meeting of City Council. Once a matter has been reconsidered, a city councilor is prohibited from making a motion for further consideration unless there is unanimous consent from City Council.

**2.11.055 Appointment, Review, and Removal of City Officers.**

Pursuant to the Beaverton Charter, the City Council, by majority vote of the entire City Council, shall appoint a municipal judge, city attorney, and auditor for the City.

- A. **Reviews.** A municipal judge, city attorney, and auditor for the City shall be subject to an annual review by the City Council.
- B. **Removals.** Any person appointed by the City Council may be removed by a majority vote of the City Council.
- C. **Interference.** The City Council may meet with a municipal judge, but in no instance shall the City Council be permitted to interfere with a municipal judge's exercise of judicial authority or discretion.

**2.11.060 Councilors on Boards, Commissions and Committees.**

- A. The City Council may create boards, commissions, and committees to assist in the conduct of its duties with such assignments as the City Council may specify.
- B. Unless specifically provided otherwise in a city ordinance, resolution, or other regulation, a city councilor who is the council liaison to any board, commission, or committee created under BC Chapter 2.03 shall not chair that body and shall be an ex-officio, non-voting member of that body.
- C. Nothing in this ordinance is intended to limit a city councilor's right to take part in all discussion and debate in any matter before a board, commission, or committee, provided, however, that a city councilor shall make clear when statements he or she makes are personal positions and when they are known positions of the City Council.

**2.11.065 Ethics, Decorum, and Outside Statements.**

- A. **Ethics.** All city councilors shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all city councilors shall refrain from:
  - 1. Disclosing confidential information.
  - 2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  - 3. Expressing an opinion contrary to the official position of the City Council without so saying.
- B. **Decorum.** City councilors shall preserve decorum during Council meetings and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the presiding officer's orders or these rules.
- C. **Statements to the Media and Others.**
  - 1. If a city councilor appears as a representative of the City before another governmental agency, the media, or an organization to give a statement on an issue, he or she may only state the official position of the City, as approved by a majority of the City Council.
  - 2. If a city councilor appears in their personal capacity before another governmental agency, the media, or an organization to give a statement on an issue, he or she must state that they are expressing their own opinion and not that of the City before giving their statement.

**2.11.070 Rules of Order for Council Meetings.**

Robert's Rules of Order, 11th edition, shall govern in all other situations not covered in these rules. If the rules in this chapter conflicts with Robert's Rules of Order, the rules in this chapter shall govern. The city attorney shall be parliamentarian for the City Council.

**2.11.075 Suspension of Rules.**

Any provision in this chapter not required by state law or the Beaverton Charter may be suspended by a majority vote of city councilors present and voting at a meeting.

**Section 2.** Beaverton Code Chapter 1.05 is amended to include BC 1.05.015 to BC 1.05.040 as described below:

**1.05.015 Office of the City Attorney.**

- A. The City shall have a City Attorney's Office, consisting of the City Attorney and any additional staff as determined by the City Council upon recommendation of the City Attorney. The City Attorney shall be appointed and may be removed from office by a majority vote of the entire City Council.
- B. City Council shall annually review the salary of the City Attorney and any recommendations of the City Attorney as to staff salaries as part of the city's budget process.
- C. The City Attorney and his or her 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.

**1.05.020 Duties of the City Attorney.**

The City Attorney shall be a full-time chief legal officer of the City and shall have the following duties:

- A. Provide legal advice and opinions orally and in writing to the City Council, Mayor, and other person, if that person is authorized by City 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 City Council for consideration, adoption or approval.
- D. Represent and defend the City and its boards, commissions, committees, and their respective officers or employees. The City Attorney shall not represent persons the

City Council determines acted outside the scope of their duties or employment, 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 City Council, including prosecuting offenses in the municipal court. If approved by the City Council, the City Attorney shall institute appeals on behalf of the City in any case which another party has first appealed. The City Attorney shall institute other appeals as directed by City 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 his or her support staff.
- H. Subject to prior approval by City 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 budget of the City Attorney's Office to City Council at the same time that the City Attorney submits it to the Mayor for internal staff review. Internal staff review changes on the proposed budget of the City Attorney's Office, if any, shall be submitted to City Council for review and concurrence before submitting it to the budget committee.
- J. Submit written or oral reports to the City Council as frequently as required by the City Council concerning the status of all tort claims and legal actions in which the City is a party.
- K. Such other duties as the City Council shall, from time to time, assign to the City Attorney.

**1.05.025 Acting City Attorney.**

The City Attorney may designate any staff attorney as acting city attorney in the City Attorney's absence. The acting city attorney shall have the power and authority of the City Attorney and may exercise that power and authority, except that an acting city attorney may not hire or dismiss attorneys or staff without Council authorization. Whenever possible, the City Attorney shall notify City Council in advance of any anticipated absence extending beyond five business days.

**1.05.030 Records of City Attorney.**

- A. The City Attorney shall have physical control of the City Attorney's Office 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.

**1.05.035 Attorney-Client Relationship.**

The City and the City Attorney's Office have an attorney-client relationship and the City shall be entitled to that benefit.

**1.05.040 Settlements.**

The City Attorney may settle tort claims and any claims arising out of enforcement of city code, including payment of any City fee, account receivable, or payment of any penalty or interest up to amounts set by Council resolution.

**Section 3.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held unconstitutional or otherwise invalid, the remaining parts shall remain in force unless:

- A. The remaining parts are so essentially and inseparably connected with and dependent upon the unconstitutional or invalid part that it is apparent that the remaining parts would not have been enacted without the constitutional or invalid part; or
- B. The remaining parts, standing alone, are incomplete and incapable of being executed according to the legislative intent.

First reading this 4<sup>th</sup> day of June, 2019.

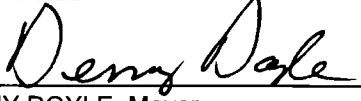
Second reading and passage by this Council this 11<sup>th</sup> day of June, 2019.

Approved by the Mayor this 12<sup>th</sup> day of June, 2019.

ATTEST:

  
 CATHERINE JANSEN, City Recorder

APPROVED:

  
 DENNY DOYLE, Mayor