

CITY OF GRESHAM



COUNCIL RULES

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January 2, 2007
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October 26, 2010
Amended by Resolution No. 3069
November 16, 2011



CITY OF GRESHAM COUNCIL RULES



INTRODUCTION

The City Charter, Section 12(a), specifies that the Council shall adopt rules for the governance of its members and proceedings. These rules are reviewed and updated periodically as necessary. A complete revision of the rules was adopted on February 6, 1996 by Resolution 1997. Minor changes were made in February 1997, May 1997, May 1999, fully updated in November 2004, and again on January 2, 2007. The Council Rules were most recently amended October 26, 2010 by Resolution No. 3033.

The following also relate to the City Council and its proceedings, and are incorporated into these rules by this reference:

- ORS 192.001 et seq., Public Records, Reports and Meetings

- Gresham City Charter Section:
 - 12. City Council Meetings
 - 14. Record of Proceedings
 - 15. Proceedings to be Public
 - 16. Mayor's Function at City Council Meetings
 - 17. President of the City Council
 - 18. Vote Required
 - 19. Mayor
 - 20. City Manager
 - 22. Recorder
 - 31. Office Vacancies
 - 47. Conflict of Interest

- Gresham Revised Code (GRC):
 - Article 2.10 - Mayor, Council President and Councilor Duties
 - Article 2.12 - Council Procedure
 - Article 2.76 - City Attorney
 - Section 11.12.040. - Type III Procedure - Quasi-Judicial Hearing
 - Section 11.12.050. - Type IV Procedure - Legislative
 - Article 11.16 - Public Deliberations and Hearings
 - Article 11.18 - Legislative Actions

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CITY OF GRESHAM COUNCIL RULES

SECTION 1 AUTHORITY

As authorized by the Charter of the City of Gresham, Oregon, the Gresham City Council establishes the following rules for the conduct of its meetings, proceedings, and business. *See also Gresham City Charter, Chapter IV, Section 12(a).*

SECTION 2 DEFINITIONS

As used in these Rules, the following mean:

Council Committees. All Council committees, commissions, task forces, and advisory bodies as specified in Gresham Revised Code 2.18. Neither these rules nor GRC 2.18 apply to committees, etc., that have been formed under the authority of the city manager.

Council and Council Members. The Mayor, the Council President, and the Councilors.

Councilors. The Council President and the Councilors.

Council Meetings. All regular Council business meetings, policy development meetings, special or emergency meetings, executive sessions, Council workshops, and joint meetings with other Council committees or commissions. *See also Gresham City Charter, Chapter VII, Section 31(d), Office Vacancies.*

Electronic Communications. E-mail, text messages or other forms of communications transmitted or received by technological means.

Electronic Communications Devices. Desktop or lap-top computers, blackberries, cell-phones, notebooks, tablets, pads, or other similar devices capable of transmitting or receiving messages electronically.

SECTION 3 COUNCIL MEETINGS

3.1 Council Meetings Generally.

- A. As a general rule, Council meetings will be held at city hall on Tuesdays for the purpose of conducting business, developing policy, or discussing, as a body, topics of importance to Council or city operations. Normally, Council business meetings will be conducted on the first and third Tuesdays of each month; policy development meetings or work sessions will be held on the second Tuesday of each month; and Council discussion roundtable meetings on the fourth Tuesday of each month.

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- B. The first business meeting of each month will begin at 6 p.m. The remaining Council meetings will generally begin at 3:00 p.m. All council meetings will adjourn at the conclusion of business.
- C. If a Council executive session is necessary, it will normally follow a Council meeting. In those instances where an executive session is scheduled to precede a Council meeting every effort will be made to complete discussion of executive session matters to avoid delaying the commencement of the formal Council meeting.
- D. If possible, only one or two major topics will be scheduled per meeting. Major topics are those that raise issues of special interest, are controversial, complex or difficult. Topics that are particularly time consuming may also be considered a major topic.

3.2 Council Business Meetings. Council business meetings are designed to hear and take formal action on matters of city concern, including but not limited to such things as recognition of citizens and staff; adopting proclamations, resolutions and ordinances; adjudicating public hearings and appeals; and considering measures and proposals offered by Council members.

3.3 Policy Development Meetings.

- A. Policy development meetings will be informal to review programs, receive progress reports on programs or projects, or other information from staff.
- B. The Council will periodically hold joint meetings with the Planning Commission and other Council committees to discuss policy issues.
- C. Decisions will be made at policy development meetings when appropriate. The last 15 minutes will be reserved for the Mayor and Councilors to comment on ideas, exchange information, and make announcements.

3.4 Roundtable Meetings.

- A. Roundtable meetings are designed to be informal and give the Mayor and Council a forum in which to candidly discuss, as a group, matters relating to Council operations; program or policy ideas of individual members; personnel issues relating to the manager, attorney and auditor; and other topics of mutual interest.
- B. Although roundtable meetings are open to the public, public comment will not be taken. Because these meetings are for Council discussion and debate only, no formal action or votes shall be taken.

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3.5 Meetings of the Gresham Redevelopment Commission.

- A. Pursuant to the Gresham Revised Code, the Council also sits as the Gresham Redevelopment Commission (GRDC). As a general rule, GRDC meetings will be held on the third Thursday of each month for the purpose of conducting business of the urban renewal agency, developing relevant policy, or discussing, as a body, topics of importance to the city's Urban Renewal Plan. These meetings will generally begin at 4:00 p.m. and adjourn at the conclusion of business. Executive sessions, if any, will normally follow the GRDC meeting. In those instances where an executive session is scheduled to precede a GRDC meeting every effort will be made to complete discussion of executive session matters to avoid delaying the commencement of the formal GRDC meeting.

3.6 Special Meetings. Special meetings may be held as needed and at times or on nights other than Tuesdays, including Saturdays. Special meetings may be called by the Mayor or shall be called upon the request of three Councilors. A minimum of 24 hours notice is required.

3.7 Executive Sessions.

- A. Under state public meetings laws, the topics that may be properly discussed in executive sessions are limited. For the purpose of municipal governance these topics are limited to:
- Employment of specific public officers, employees and agents and under limited circumstances, ORS 192.660(2)(a);
 - Discipline or dismissal of individual public officers and employees, unless the individual requests a public hearing, ORS 192.660(2)(b);
 - Performance evaluations of public officers and employees, unless the person being evaluated requests a public/open evaluation, ORS 192.660(2)(i);
 - Labor negotiator consultations, ORS 192.660(2)(d);
 - Discussion of exempt public records, ORS 192.660(2)(f);
 - Legal Counsel, ORS 192.660(2)(h); and
 - Real property transactions, ORS 192.660(1)(e).
- B. When an executive session precedes a regular meeting, there may be an interval between the adjournment of the first session and the start of the regular meeting.
- C. Media representatives are allowed to attend Council executive sessions subject to the understanding that information from such meetings, which is the proper subject of an executive session, will not be reported. Councilors and staff should not discuss executive session matters with the press following adjournment of the executive session because to do so may permit the press to report on the matter.

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- D. At the commencement of each executive session, the presiding officer must state on the record that executive session information is confidential and may not be reported. If it does not so specify, the proceedings may be reported.

3.8 Minutes. A record of all Council meetings shall be kept as required by the public meetings and public records laws. Only the Mayor and Councilors have the authority to make revisions to the minutes subject to a majority vote of the Council. If a citizen wishes to suggest a modification or revision, the request must be made through the Mayor or a Councilor.

3.9 Attendance. Councilors will inform the Mayor if they are unable to attend any Council meeting. The Mayor will determine whether the absence will be considered an “absence upon leave of the Council” as used in connection with Gresham City Charter, Chapter VII, Section 31(d). Lack of notification to the Mayor or designee as provided here will constitute an unexcused absence. The Mayor will inform the Council President regarding an absence of the Mayor. *See also Gresham Charter, Chapter VII, Section 31(d).*

3.10 Presiding Officer.

- A. The Mayor presides over Council meetings. In the Mayor's absence, the Council President shall preside. In the absence of both the Mayor and the Council President, the Council will designate a senior member of the Council to serve as the presiding officer. *See also Charter, Chapter IV, Sections 16 and 17; GRC 2.10.010; 2.10.020; 2.12.020.*
- B. The presiding officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct, to place a limit on debate and to enforce the rules of the Council. The presiding officer may also command the assistance of a city police officer to restore order at any meeting.

3.11 Seating.

- A. During Council business meetings, Councilors will be seated by order of position number with the Council President seated to the right of the Mayor. The Mayor will be seated at the center.
- B. There will be no specified seating arrangement for any other Council meetings.

3.12 Staffing.

- A. The manager will attend all Council meetings unless excused. The manager may make recommendations to the Council and, with the consent of Council, shall have the right to take part in all Council discussions. The manager shall have no vote.

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- B. The attorney will attend all Council meetings unless excused, and will, upon request, give an opinion, either written or oral, on legal questions. The attorney shall decide all questions of interpretations of these rules and any other parliamentary questions that may arise at a Council meeting.
- C. Other staff and consultants will attend Council meetings upon request of the manager to provide information and respond to questions.
- D. In the event the manager or attorney cannot attend or is excused from a Council meeting, the manager or attorney shall appoint an alternative to attend.

3.13 Telephonic/Electronic Meetings. When unable to physically attend a Council meeting, Council members may participate in Council meetings, including executive sessions, by telephone. The provisions of the Oregon state statutes governing public meetings shall apply. All Council members, whether attending the meeting in person or by telephonic means, shall have identical voting rights. Any Council member participating by phone is encouraged to attend for the entire meeting.

3.14 Robert's Rules of Order. Meeting conduct, decorum, and procedures not provided for in these rules shall be governed by Robert's Rules of Order, newly revised.

3.15 Electronic Communications

- A. Councilors shall not send or receive electronic communications concerning any matter pending before Council during a Council Meeting.
- B. Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before Council during a Council Meeting.
- C. Councilors shall not access the internet concerning any matter pending before Council during a Council Meeting except to access Council agenda packet information.
- D. Any electronic communications regarding a quasi-judicial matter to be considered by Council is an ex-parte contact and shall be disclosed as required by law.
- E. In deference to the public meeting at hand, Councilors should make every effort to refrain from sending or receiving electronic communication of a personal nature during Council Meetings, though as volunteers it may sometimes be necessary to send or receive very urgent/emergency family or business communications during meetings, especially given that the general switchboard is closed after normal business hours.
- F. The provisions in this Council Rule apply to the official meetings of Council Citizen Advisory Committees and to members of those committees.

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SECTION 4 AGENDA

4.1 Agenda Content. Council business meeting agendas will generally contain the following categories:

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- C. PROCLAMATIONS/PRESENTATIONS
- D. CITIZEN AND COMMUNITY GROUP COMMENT ON AGENDA AND NON-AGENDA ITEMS

Citizen comments on both agenda and non-agenda issues are to be heard at this time. As a general rule, each speaker will be limited to a three (3) minute comment period. Council may in its discretion and by consensus terminate public comment or lengthen or shorten the individual comment period. Citizen comment made in support of or in opposition to an agenda item set for public hearing will be heard at the time set for the hearing.

- E. CONSENT AGENDA

Consent agenda items are generally business items about which there is expected to be no conflict. There will be no debate on consent agenda items and the consent agenda items will be voted upon as a single group. If a Councilor desires to discuss or debate a specific agenda item, he or she will ask that the item be pulled from the consent agenda. In the event an agenda item is pulled, it will be considered as an item of Council business as set forth below.

- F. PUBLIC HEARINGS

Public hearings will generally begin at a time-certain. The procedures governing the public hearing at issue will be in written form and made available for review in the Council chambers at the time of the hearing. The Mayor will notify the parties of the availability of these written procedures before the commencement of each public hearing.

- (1) Non Land Use Hearings/Decisions. Hearings on non-land use matters and issues shall be calendared and held as necessary. Non-land use matters may include, but are not necessarily limited to, hearings on Council bills, resolutions, appeals from decisions of the manager, contract award appeals, review of fee assessments, and hearings on other proposed Council action for which Council review has been provided. A hearing under this provision shall not be scheduled to exceed one hour.

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- (2) Type IV Land Use Matter. Hearings to review legislative recommendations from Planning Commission shall be set for a time certain and shall not commence prior to the time published in the agenda. A hearing under this provision shall not be scheduled to exceed one hour and shall include 15 minutes for a staff report and questions; 15 minutes for proponent testimony; 15 minutes for opponent testimony; and 15 minutes for Council questions, discussion, and decision.
- (3) Type III Land Use Matter. Type III matters are quasi-judicial matters in which the Council sits as fact finder to review recommendations from the Planning Commission and/or the land use hearings officer, and apply to law to the facts presented. Hearings involving plan map amendments and appeals also fall into this category. A hearing under this provision shall not be scheduled to exceed one hour and 15 minutes, and shall include 10 minutes for a staff report and questions; 15 minutes for the applicant's presentation; 15 minutes for proponent testimony; 15 minutes for opponent testimony; 5 minutes for applicant rebuttal; and 15 minutes for Council questions, discussion, and decision.
- (4) The times noted above for proponent and opponent testimony may be modified at the discretion of the Council when fairness so dictates.

G. COUNCIL BUSINESS

Some items under this agenda type may be moved as "Consent Items." A separate motion must be made for each item requiring Council comment or discussion before action. One hour maximum per item.

H. COUNCIL MEASURES AND PROPOSALS

Mayor and Councilor initiated policy items for discussion, decision, and direction to staff.

I. ADJOURNMENT

4.2 Agenda Preparation.

- A. The manager will prepare an agenda for each Council meeting specifying the time and place of the meeting and a brief general description of each item to be considered by the Council.
- B. The manager will adopt a format for agenda cover sheets that includes the name and telephone number of the staff person who may be contacted for further information.

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- C. Agenda materials will generally be available to the Council, staff, media, and public one week before the meeting.

4.3 Scheduling of Agenda Items.

- A. The Mayor and/or the Council President will meet with the manager to determine scheduling of agenda items.
- B. The manager will maintain a 12-month preliminary agenda.
- C. With the exception of Council roundtable meetings, a time for citizen comment will be scheduled for all Council meetings. Citizen and Community Group sign-up forms will be available at each meeting.
- D. Items may be placed on the preliminary Council agendas by any of the following methods: (1) vote of Council; (2) any Councilor by advising the Mayor or manager; (3) the Mayor, or (4) the manager or attorney.
- E. An item may be placed on the Council agenda after the agenda is printed and the notice published if the Mayor, Councilor, or manager explains the necessity and receives consent of the Mayor or Council President. The manager will notify the media and any known interested citizens as soon as possible after receiving information about proposed agenda additions. The practice of adding items to the Council agenda after it has been printed and published is to be discouraged, and will be permitted only when required by business necessity.
- F. Agenda items that are continued from one meeting to another will have preference on the subsequent agenda.
- G. The Mayor may, with the concurrence of the Council, consider agenda items out of order.

SECTION 5 COUNCIL DISCUSSIONS AT PUBLIC MEETINGS

5.1 General. Councilors should ask the Mayor to be recognized, be direct and candid, speak one at a time, ask questions to clarify information, and be conscious of time limits during discussions. Each Councilor is responsible for facilitating discussions.

5.2 Public Hearings. Council members should not make judgments or decisions about matters presented during a public hearing until all relevant written material has been reviewed, and all staff, citizen, and Council comments, opinions and recommendations have been considered. When necessary, it is appropriate to defer action on a hearing or appeal or refer matters back to staff. When doing so, Council members should specify what new or additional

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information is needed, and determine when the matter should be brought back for further deliberation. The decision to close or continue a public hearing may be had upon a consensus of the Council. The Mayor will seek consensus on the appropriate Council action.

5.3 Discussion and Decision Making.

- A. During decision making, there should be full discussion of opinions and differences. After a decision is made and a vote taken, all Council members should publicly support the decision of the majority. Notwithstanding this, Council members are free to point out how their individual opinion differs from the decision of the majority. Council members who disagree with a decision should not criticize their fellow Council members or staff for acting on the Council decision.
- B. When the Council concurs or agrees to an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of discussion.
- C. Council members may clarify their views on a particular item prior to taking the formal vote on an item.

SECTION 6 COUNCIL MOTIONS AT PUBLIC MEETINGS

6.1 General.

- A. Councilors should clearly and concisely state their motions. The Mayor will state the name of the Councilor who made the motion and the name of the Councilor who made the second. The Mayor may make a motion or a second, provided that he or she first designates the Council President or, in his or her absence or inability to act, a senior member of the Council as the presiding officer during consideration of the matter.
- B. Prior to voting on a motion, the motion should be repeated by the clerk or the Mayor to ensure that the action taken and meeting record is clear.
- C. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.
- D. The Mayor will ask for a voice vote for all final decisions. The recording secretary shall maintain a record of the votes. Any Councilor may request an oral roll call vote on any decision.

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- E. At the conclusion of any vote, the Mayor will announce the results.
- F. As noted above, Robert's Rules of Order will apply in those areas of procedure not covered under these rules.

6.2 Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.

6.3 Tie. A motion that receives a tie vote fails.

6.4 Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the matter may be taken from the table only by adding it to a future agenda at which time discussion may continue.

6.5 Postpone.

- A. A motion to postpone to a certain time is debatable and amendable. The matter may be considered later at the same meeting or at a future meeting.
- B. A motion to postpone indefinitely is debatable and is not amendable. It may be reconsidered at the same meeting only if approved by an affirmative vote. This motion is not to postpone, but to reject the matter without a direct vote.

6.6 Call for Question. A motion to call for the question ends debate on the matter and is not debatable. A second is required for this motion and it fails without a two-thirds' vote. Debate may continue if the motion fails.

6.7 Amendment.

- A. A motion to amend may be made to a previous motion that has been seconded but not voted on. An amendment is made by adding, striking out, or substituting words.
- B. Motions to adjourn, agenda order, lay on the table, roll call vote, point of order, reconsideration, and take from the table may not be amended.
- C. Amendments are voted on first, then the main motion as amended.

6.8 Reconsideration. When a question has been decided, any Council member who voted in the majority may move for reconsideration. The motion for reconsideration must be made before adjournment of the meeting in which final action on the ordinance, resolution, order or other decision was taken.

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SECTION 7 COUNCIL COMMITTEES, COMMISSIONS, AND TASK FORCES

7.1 Appointment and Removal from Council Committee.

- A. The Mayor will appoint the members of Council committees, commissions and task forces with the consent of the Council. The Mayor may request assistance or recommendations from Councilors in making appointment recommendations.
- B. Council members will encourage broad participation on Council committees by generally limiting the number of terms a citizen may serve on the same city committee.
- C. A citizen may not serve on more than two Council committees simultaneously. Any citizen serving on two Council committees may not be chairperson of both Council committees simultaneously.
- D. Upon consensus of the Council, a citizen may be removed from a Council committee prior to the expiration of the term of office. Notice of removal to the affected committee member shall be handled with respect and courtesy.

7.2 Liaisons to Council Advisory Committees, Commissions, Community Organizations and Other Agencies.

- A. Appointment Process.
 - (1) The Mayor will appoint a Councilor to act as a Council liaison to all Council committees, including ad hoc or limited term committees, and to all committees or task forces of other agencies and community organizations for which participation of an elected official from the City of Gresham is determined to be necessary or beneficial to the city. Alternate liaisons will also be appointed.
 - (2) Councilors interested in a particular subject area should inform the Mayor of their interest. The Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions. Liaison appointments are generally made on an annual basis and the Mayor shall make every effort to rotate liaison assignments on at least a biennial basis.
- B. Meeting Attendance as Liaison. Council liaisons should make every effort to attend all meetings of the committees to which they have been appointed. If a liaison is not able to attend a particular committee meeting, he or she shall make every effort to ensure the attendance of the alternate liaison. If a liaison fails to attend more than three consecutive meetings of the same committee, he or she may be removed from the liaison position. As an alternative to attendance at

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every committee meeting and when no Councilor is available to attend, the liaison may consult with the committee chair to discuss agenda items and matters of mutual concern or interest.

- C. Role and Responsibilities of Council Liaisons. The primary role of a Council committee liaison is to facilitate communication between the relevant committee and the Council.
- (1) Council liaisons will facilitate the work of the CCAC, communicate council direction to the CCACs, receive CCAC reports and provide insight to the CCACs through the CCAC Coordinating Committee in an effort to maintain alignment with council goals, work plans and specific project objectives. Liaisons will review the Council Work Plan with the committees to which they have been appointed liaison, and inform the committee of Council meeting agenda items and of Council decisions that may be of interest to the committee. Liaisons will also encourage committee members to attend Council meetings to keep abreast of Council action, policy matters and the activities of the city organization.
 - (2) A liaison shall not attempt to direct debate, lobby, or otherwise influence the direction or decisions of any committee. This prohibition may not apply when a liaison is representing the City on a regional commission or committee.
 - (3) The Council liaison for each Council advisory committee, together with the committee chair and assigned staff liaison, will interview citizens to fill vacancies on their committees and will make recommendations to the Mayor for appointment. The Council liaison to each committee shall be the final decision maker on whether a citizen residing outside the City of Gresham may be interviewed for possible appointment.
- D. Liaison Reports. Council liaisons shall periodically report to the entire Council on significant and important activities of each committee to which they have been assigned. Reports may be made orally at regular Council business meetings, by email, in the form of a written memo, or in any other manner reasonably calculated to keep the entire Council apprised of committee activities. Liaisons may seek assistance from Council staff or the relevant committee staff liaison to accomplish this reporting responsibility.
- E. Removal from Liaison Position/Assignment. The Mayor or a Councilor may be removed for any reason from a specific liaison position or assignment upon consensus of the entire Council.

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SECTION 8 COUNCIL RELATIONS AND COMMUNICATIONS

8.1 Council Relations with Staff.

- A. Staff Support. The city manager will assign the staff necessary to provide clerical and administrative support for the Mayor and Councilors.
- B. Treat all Staff as Professionals. Clear, honest communication that respects the abilities, experience and dignity of each individual is expected.
- C. Administrative and Operational Questions to be Directed to City Management. Questions of city staff and/or requests for additional information should generally be directed to the city manager, his/her designee, the city attorney, or a department director. The city manager is to be copied on all requests except those to the city attorney. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.
- D. Direction to Staff. Mayor and Councilors will not direct staff to take any action to prepare any significant report, or initiate any project or study without the approval of a Council majority.
- E. Limit Disruption to Work of City Staff. Every effort should be made to avoid disrupting or interrupting staff while they are in meetings, on the phone, or engrossed in performing their job functions.
- F. Criticism of an Individual Employee. Council members should never express concerns about the performance of a city employee in public or to the employee directly. Comments about staff performance should only be made to the city manager through private correspondence or conversation. Comments about staff in the City Attorney's Office should be made directly to the city attorney.
- G. Council Influence or Involvement in Administrative Functions. Council members must not attempt to interfere with or influence city staff, including the city manager, in making appointments, awarding city contracts, consultant selection, processing development actions, granting licenses or permits, or in the application of operating rules or practices of any city department. *See also Gresham City Charter, Chapter V, Section 20(f), Interference with Administration.* The city manager is directed to bring possible violations of this provision to the attention of the Mayor, Council President, or city attorney for review, investigation, and any necessary action.
- H. Correspondence on Staff Work and Projects. Council members should check with relevant city staff before sending correspondence on a matter or inquiry to determine if an official city response has already been sent or is in progress.

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8.2 Council Relations with One Another In Public Meetings.

- A. Use formal titles. Council should refer to one another formally during public meetings as Mayor, Councilor, or Council President followed by the individual's last name.
- B. Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a democracy in action.
- C. Role of the chair. It is the responsibility of the Mayor or alternate chair to keep the comments and debate of the Council on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items.
- D. Personal comments and actions. In the event a Council member is personally offended by the actions or remarks of the Mayor or another Councilor, he or she should note the action or actual words used and call for a "point of personal privilege" that challenges the other Council member to justify the action or the language used.
- E. Maintain Common Goal. The City Council is comprised of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the community. The public stage provided during business meetings should be used to show how individuals with disparate points of view can find common ground and seek compromise designed to benefit the community as a whole.

8.3 Council Relations with Citizens, the Public, Other Agencies, Community Organizations, and the Media.

- A. Be welcoming to citizens and other non-staff speakers at public meetings; treat them with care and respect. Ask for clarification where necessary, but avoid debate and argument with any member of the public. Avoid personal attacks of any kind and do not attempt to intimidate or belittle a speaker. It is the Mayor's responsibility to calm and focus a speaker and maintain decorum and a welcoming environment when members of the public are speaking at a Council meeting.
- B. In unofficial or non-public meetings or encounters with constituents and other members of the public, Council members should never expressly or impliedly promise Council or staff action of any kind or make any admissions of fault or responsibility on behalf of the city. Honesty and respect for the dignity of each individual should be reflected in word and action taken by Council members.

CITY OF GRESHAM COUNCIL RULES

- C. Council members should inform the city manager upon receipt of a citizen inquiry for which some type of follow-up is necessary or desired so that the inquiry can be tracked through the CHAMPS communication system. Council members are encouraged to use the CHAMPS system to determine the status of the inquiry and necessary follow-up.
- D. All outside communications that are originated by one or more Councilors representing their individual interests and opinions in opposition to the Council position shall clearly indicate that the communication is not representative of the Council position. Should such communication carry any indicia that the communication represents the Council position, i.e., use of city letterhead, the Council member creating the communication shall provide a copy of the communication to the manager for distribution to the Council.
- E. If a Council Member represents the city before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Thereafter, the Council member may also state the minority Council position. Personal opinions and comments should be expressed only if the Council member makes clear that he or she does not express the Council position.
- F. Council members should obtain the appropriate permission before representing another Council member's view or position with other agencies, community organizations and the media.

SECTION 9 ELECTED OFFICIALS CODE OF ETHICS

9.1 Oregon Statutes on Government Standards and Practices. All Council Members are individually responsible for compliance with the Oregon Revised Statutes governing the ethical conduct of public employees and officials. Violation of these statutes may result in personal liability.

9.2 Gresham Charter Provision on Ethics. Chapter IV, Section 18A, of the Gresham Charter provides that the Council shall adopt and be governed by a Code of Ethics. This Code was first adopted by Resolution No. 2237 on September 1, 1998. Council members are responsible to police each other concerning violations of this Code of Ethics. Violation of the Code of Ethics adopted under this Charter provision may result in sanction as provided by these rules. A copy of Resolution No. 2237 is attached to these rules.

SECTION 10 MANAGER, ATTORNEY AND AUDITOR PERFORMANCE MANAGEMENT PROCESS

10.1 Performance Objectives Subcommittee. The Mayor shall appoint a Council subcommittee for the purpose of establishing performance goals and providing feedback to the

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manager, attorney and auditor on an on-going basis. The Mayor will appoint one member of the subcommittee to serve as chair. The subcommittee will meet with each employee on a regular basis throughout the evaluation year. Subcommittee members will serve for one year, from January 1 through December 31, and may be reappointed at the end of their term. The length of a member's term may be modified as necessary to provide continuity of subcommittee membership.

10.2 Evaluation Criteria and Form. The standards, criteria, and policy directives used in the evaluation of the manager, attorney and auditor are to be developed jointly by the employee and the Council subcommittee and approved by Council. All criteria shall be objective in nature and comply with the terms of any written agreement between the parties. The evaluation form to be used for the evaluations shall also be jointly developed by the employee and Council subcommittee.

10.3 Frequency of Formal Evaluation. Evaluations shall be completed on at least an annual basis prior to December 1 of each year. The manager, attorney or auditor may be asked to prepare a self-assessment that identifies major accomplishments during the evaluation period.

10.4 Process. A consultant will be retained to assist in the evaluation process. The Chair of the subcommittee will coordinate the work of the consultant and facilitate communication between the participants. The consultant will interview each employee and all City Council members. Other key staff members may also be interviewed by the consultant as part of the evaluation process. The criteria established in accordance with Section 10.2 above will establish the general parameters of the evaluation interviews.

Upon completion of the interviews, the consultant will summarize the comments in a written evaluation report(s) and forward the report(s) to the Chair of the subcommittee. The Chair of the subcommittee will thereafter distribute the written evaluation reports to the Mayor and Council. At the request of the Council, the consultant may also be used to further facilitate the evaluation process.

The employee(s) will be provided a copy of the written evaluation report prior to the scheduled evaluation session. Evaluation sessions are public meetings and will be held in an open forum unless the employee being evaluated requests that the evaluation be scheduled for executive session as provided for under Oregon Public Meetings law. At the evaluation session, the written evaluation report will be reviewed with the employee(s). Each Councilor will provide oral comments on the employee's performance. The manager, attorney or auditor will have an opportunity to respond to all comments.

The employee's compensation is to be adjusted in accordance with the results of the evaluation and comply with the terms of any written agreement between the parties. Negotiations with the employee(s) relating to compensation or other contract changes will be conducted by the subcommittee.

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10.5 Contract. The Council shall retain outside legal counsel to prepare any employment contract amendments to the manager, attorney and auditor contracts. Contracts normally will be approved as a consent agenda item at the next regular Council business meeting.

SECTION 11 USE AND DISCLOSURE OF CONFIDENTIAL INFORMATION

11.1 Definition. For the purpose of this section, “confidential” shall be defined to include anything done or communicated in a manner to denote confidence or secrecy, including but not limited to information designed to be held in trust or labeled as confidential; information not subject to public disclosure under the state public records or public meetings laws; information disclosed during or in connection with a privileged or protected relationship, such as the relationship between an attorney and his or her client; and other information determined to be essential to the fiduciary duties of an elected official to the municipal corporation. All matters properly discussed in executive session shall be considered confidential under these rules.

11.2 Disclosure of Confidential Information. Confidential information shall not be disclosed or otherwise communicated to any individual or entity to whom it was not originally intended, and shall be maintained in a manner to protect its confidential nature. Confidential information may be disclosed or otherwise released to the public upon a consensus determination by the entire Council that confidentiality is no longer necessary.

11.3 Improper Disclosure of Confidential Information. In addition to any other sanction imposed for violation of this rule, improper disclosure of confidential information shall be deemed an act outside the course and scope of the disclosing official’s agency relationship with the city and may subject the official to forfeiture of the protections under the Oregon Tort Claims Act, including the right to defense and indemnification, for any damages or liability resulting from or relating to the disclosure of the confidential information.

11.4 Statements Relating to Confidential Matters. All public statements, information, or press releases on confidential matters shall be made by designated staff or Council representative.

11.5 Written Materials. Council members will keep all written materials that are confidential under law in complete confidence.

11.6 Executive Session. Council members shall not communicate any information from any executive session to the media or to anyone who was not present at the executive session unless authorized by the consensus of the Council members. If staff is given direction in executive session to proceed with negotiations or litigation in a specific manner, Council members shall not have any contact or discussion on the matter or subject with any other party or its representative, or otherwise take steps that might interfere with the direction given to staff by Council.

CITY OF GRESHAM COUNCIL RULES

SECTION 12 COUNCIL EXPENSES

12.1 Reimbursement. Council will follow the same rules and procedures for reimbursement as city employees. Council member expenses may be reimbursed to the maximum extent permitted under the City Charter and the rulings of the Government Standards and Practices Commission.

12.2 Budget. Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by city staff during a public meeting.

12.3 Guests. Pursuant to the ruling of the Oregon Government Standards and Practices Commission, expenses for one guest per Councilor may be covered for attendance at official city functions.

SECTION 13 PUBLIC RECORDS

13.1 Public Record Defined. A public record includes any document, book, paper, photograph, file, sound recording, machine readable electronic record, electronic communications, or other material, regardless of physical form or characteristics, made, received, filed or recorded in connection with the transaction of public business, whether or not confidential or restricted in use.

13.2 Electronic Records. All communications on electronic communications devices have the same public records character as they would have had they been sent on paper. Any electronic communications that may be exempt from disclosure under state public records law should be clearly marked as confidential and exempt from disclosure. Electronic records in any way relating to the business of the city created on electronic communication devices not owned or provided by the city may also be subject review and disclosure under Oregon Public Records law.

13.3 Retention. Public records created or received by Council members, including electronic communications, will be retained in accordance with Oregon Public Records Law and the rules of the Secretary of State and State Archivist.

SECTION 14 MISCELLANEOUS

14.1 Conference Attendance. Council members who wish to attend official conferences, such as those of the National League of Cities or League of Oregon Cities meetings, will notify the Council at a regular Council meeting.

14.2 Food. Council members and required staff members may request that they be provided with food at any Council meeting.

CITY OF GRESHAM COUNCIL RULES

14.3 City Resources. Council members shall use all city resources in a reasonable and professional manner and in a manner that reflects respect for their fellow elected officials.

SECTION 15 VIOLATION OF COUNCIL RULES

15.1 General. Council Members who intentionally or repeatedly fail to comply with the established Council Rules may be sanctioned under this section.

15.2 Due Process. Due process requirements of notice and the opportunity to be heard will be met when necessary under the law.

15.3 Sanctions. Sanctions for violation of these rules should be generally geared towards changing problem behavior rather than punitive in nature, and measured against the severity and frequency of the violation(s) and the impact on the city organization and/or Council operations and effectiveness.

SECTION 16 SUSPENSION AND AMENDMENT OF RULES

16.1 Suspension. Any rule not governed by state law, the Charter, or the Gresham Revised Code may be temporarily suspended by the vote of a majority of Council members present at the meeting at which the action is taken.

16.2 Amendment. These rules shall be in effect from Council adoption until amended pursuant to Gresham Revised Code or until new rules are adopted by Council.

RESOLUTION NO. 2237

A RESOLUTION ADOPTING THE CITY OF GRESHAM CODE OF ETHICS

The City of Gresham Finds:

a. The 1998 Charter Review Committee (CRC) drafted a Code of Ethics applicable to elected officials, Council appointees, and all employees for recommendation to the Council.

b. On August 11, 1998, Council made minor changes to a revised draft Code of Ethics for elected officials and appointees only, as an identical code of ethics for employees could be included in the Gresham Administrative Rules.

c. The Council wishes to establish a Code of Ethics to provide a statement of ethical principles for the City of Gresham's elected officials and appointees.

THE CITY OF GRESHAM RESOLVES:

The City adopts the attached Code of Ethics for the City of Gresham's elected officials and appointees.

Yes: McROBERT, GALLAGHER, McINTIRE, LEUTHAUSER, NOAH, MOORE, WIDMARK

No: NONE

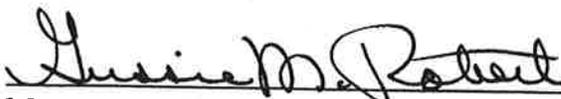
Absent: NONE

Abstain: NONE

Passed by the Gresham City Council on SEPTEMBER 1, 1998



City Manager



Mayor

CITY OF GRESHAM CODE OF ETHICS

The purpose of this Code of Ethics is to provide a statement of ethical principles for the City of Gresham's elected officials and appointees.

"Appointees" means anyone who has been appointed to a commission, committee, task force, or advisory body as specified in Gresham Revised Code 2.18.

"Ethics" means positive principles of conduct. Some ethical requirements are enforced by federal, state, or local law. Others rely on training or on individuals' desire to do the right thing.

All public officials in the State of Oregon are governed by and shall comply with the Code of Ethics established in Oregon Revised Statutes 244.040. The City of Gresham Code of Ethics establishes further guidelines for the conduct expected and required of elected officials and appointees in the City.

Leadership, trust, accountability, and objectivity are the ethical guideposts for individual actions.

I. LEADERSHIP

Ethical leadership sets a good example and treats all citizens with respect.

1. All elected officials and appointees shall act only within the decision making authority they have.
2. All elected officials and appointees shall obey laws and regulations.
3. Individual departments may adopt additional ethical standards governing conduct within that department.
4. All elected officials and appointees shall maintain a clear separation between their personal lives and their official actions.
5. All elected officials and appointees shall avoid the appearance of impropriety and shall avoid the appearance that their personal relationships will result in biased decisions or disparate treatment.

II. TRUST

The purpose of City government is to serve the public. City of Gresham elected officials and appointees shall treat their offices as a public trust.

1. City of Gresham resources, including paid time, working supplies, and capital assets, are to be used strictly for the benefit of the public, not for any individual's personal benefit.
2. To ensure public respect by avoiding even the appearance of impropriety or personal gain, elected officials and appointees shall refuse to accept personal gifts disallowed by State Ethics Code requirements. Any gift which an elected official or appointee accepts shall be declared at a public meeting. Sister City gifts shall be dealt with pursuant to Council Rule 14.1.
3. All elected officials and appointees shall protect the rights of all citizens.
4. Whistle-blowing on unlawful or improper action is appropriate.
5. All elected officials and appointees shall ensure that all citizens are given a fair and equal opportunity to express their views.
6. No political campaign activities shall be conducted on City time or using City property.

III. ACCOUNTABILITY

Open government allows citizens to make informed judgments and to hold elected officials accountable.

1. Officials and appointees who delegate responsibilities follow up to make sure the work is carried out efficiently and ethically.
2. All elected officials and appointees are encouraged to improve the City of Gresham's systems by identifying problems and proposing improvements.

IV. OBJECTIVITY

Decisions of the City Council and of members of City commissions, committees, task forces, and advisory bodies are based on the merits of the issues. Quasi-judicial judgments must be independent and objective.

1. All elected officials and appointees shall avoid financial conflicts of interest. They shall not accept benefits of any sort from citizens or entities appearing before them in any matter.

2. If an individual elected official's or appointee's financial or personal interests will actually be affected by a decision, the official or appointee shall publicly declare the conflict at each meeting at which it arises and shall withdraw from participating in the discussion of the issue and the vote on the issue. If the official's or appointee's vote is needed to meet a requirement for a minimum number of votes to take official action, the official or appointee may vote, but may not participate in any discussion.

3. If an individual elected official's or appointee's financial or personal interests will be potentially affected by a decision, the official or appointee shall publicly declare the conflict at each meeting at which it arises. Following the declaration, the official or appointee may participate in the discussion and the vote on the issue.

4. All elected officials and appointees shall avoid bias or favoritism of any type and shall respect differences as part of the decision making process.

5. All elected officials or appointees shall limit their intervention on behalf of constituents or persons with whom they have a personal relationship to ensuring the person is treated fairly, clarifying policies as they relate to the person, and improving service for all citizens.