

City of Rockaway Beach City Council Workshop Agenda



Date: Wednesday, March 8, 2023
Time: 5:00 P.M – 5:50 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 -Civic Facility

Join the worksession remotely here:

[City Council Meeting Workshop](#)

Meeting ID: 875 8666 3903

Passcode: 083391

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253 215 8782 US (Tacoma)

What is a City Council Workshop? *Workshops are intended to allow for preliminary discussions by the city council and staff. Workshops are held to present information to the council so that the council is prepared for upcoming regular meetings. Workshops are subject to Oregon's Public meeting law and must be noticed accordingly. No final City Council decisions are made during workshops. The public is encouraged to attend workshops but may not participate unless expressly asked.*

WORKSHOP AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. COUNCIL BRIEFING/DISCUSSION**
 - a. Open Recruitments and Staffing Needs**
 - b. Meeting Rules and Procedures**
 - c. Collective Bargaining Agreement, Modified Articles**
- 4. ADJOURNMENT**

Rules of Procedure for Council Meetings

Section 1. **AUTHORITY**

- 1.1 The authority for the resolution is the statement in Chapter 3 Section 9, Charter of the City of Rockaway Beach which states "The Council must be resolution adopt rules to govern its meetings."
- 1.2 These Council rules are to be supplementary and subordinate to the City Charter, the laws of the State of Oregon and the United States of America.
- 1.3 The Council shall review these rules at least once every two years. Amendments shall be adopted by a majority vote of the full Council excluding the Mayor.

Section 2. **MEETINGS AND WORKSHOPS**

- 2.1 **Definition.** ORS 192.610 (5) states that a meeting means the convening of the governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Council meetings and workshops are subject to Oregon Public Meetings Law, ORS 192.610-192.990.
- 2.2 **Regular Meetings.** The Council shall meet regularly {on the second and fourth Wednesdays of each} at least once a month on the second Wednesday at 6:00 p.m. within the City of Rockaway Beach. The meeting calendar shall be set by the Council each December for the following year.
 - 2.2.A. **Mayor's Vote.** The Mayor has no vote unless the voting members of the council are split evenly.
 - 2.2.B. **Mayor's Functions:**
 1. Act as Chairperson of Council meetings and preside over deliberations of the Council.
 2. Preserve order.
 3. Enforce Council rules.
 4. Determine the order of business before the Council.
- 2.3 **Special Meetings.** The Mayor, or in the Mayor's absence, the president of the Council, may call a meeting at any time, or shall on written petition of three councilors, call a meeting at any time for the transaction of the business mentioned in the petition. 24 hours notice is required (ORS 192.640(3)). Written notice of a special meeting shall be given each member of the Council. The notice shall be served on each member personally, or if a councilor is not found, left at his or her place of residence. Written notice shall be posted at City Hall and the Post Office. Members of the media who have asked to be notified of meetings shall be notified in the usual manner.
 - 2.3.A. **Council President.** Except in voting on questions before the council, the President shall function as Mayor when the Mayor is:
 1. Absent from a council meeting

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2. Unable to function as Mayor

The President shall attempt to contact the Mayor, by the most expeditious means possible, if the President schedules a special meeting or executive session of the Council in the Mayor's absence. The intent would be to provide the Mayor with the opportunity to attend the meeting, if possible.

- 2.4 **Emergency Meetings.** In the case of an actual emergency, the Mayor, or in the Mayor's absence, the President of the Council, may call an emergency meeting on less than 24 hours notice. The minutes of the meeting shall describe the emergency justifying less than 24 hours notice. **(ORS 192.640(3))** An attempt must be made to contact the media and other interested parties to inform them of the meeting. Such contacts may be by telephone, e-mail, facsimile, or other electronic means.

2.5 **Public Hearings Generally.**

- 2.5.A. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
- 2.5.B. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.
- 2.5.C. The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
- 2.5.D. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address. All remarks shall be addressed to the council as a body and not to any member thereof.
- 2.5.E. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
1. Staff presentation (15 minutes total).
 2. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
 3. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
 4. Other interested persons (3 minutes per person).
 5. Questions of staff (No time limit).
 6. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).

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2.6 General Conduct of Hearings

- 2.6.A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- 2.6.B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- 2.6.C. No person may speak more than once without obtaining permission from the presiding officer.
- 2.6.D. Upon being recognized by the presiding officer, any member of the council, the city manager [city administrator], planning director or the city attorney may question any person who testifies.
- 2.6.E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- 2.6.F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

2.7 Quasi-Judicial Land Use Matters

- 2.7.A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
 - 2.7.B. Conflicts of Interest.
 - 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
 - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
 - 2. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding
- Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

Rules of Procedure for Council Meetings

- a. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule
 - b. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
3. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
 - a. Land Use Hearing Disclosure Statement. The presiding officer shall read the land use hearing disclosure statement, which shall include:
 - 1) A list of the applicable criteria;
 - 2) A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - 3) A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - 4) If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
 - b. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
 - c. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
 - d. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.

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e. Presentation of the Case

- 1) Proponent's case. Twenty minutes total.
- 2) Persons in favor. Five minutes per person.
- 3) Persons opposed. Five minutes per person.
- 4) Other interested persons. Five minutes per person.
- 5) Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

f. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

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

h. Findings and Order. The council may approve or reject the proposal.

- 1) The council shall adopt findings to support its decision.
- 2) The council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

i. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

2.8 Legislative Land Use Matters.

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

1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
 - a. Proponent's case. Twenty minutes total.

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b. Persons in favor. Five minutes per person.

c. Persons opposed. Five minutes per person.

d. Other interested persons. Five minutes per person.

4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.

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

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

2.9 **Executive Sessions.** Executive sessions may be held during regular or special meetings, or as stand alone meetings, so long as appropriate statutory limitations are met. Written notice shall be posted at City Hall and the Post Office. Members of the media who have asked to be notified of meetings shall be notified in the usual manner.

2.9.A. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions.

2.9.B. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

2.10 **Continuation of a Meeting.** Upon majority vote of the Council any meeting may be continued to a later date or time, provided that no continuation or adjournment shall be for a period longer than the next regular scheduled meeting.

2.11 **Workshops.** Workshops are permitted to present information to the council so that the council is prepared for regular or special meetings. Workshops shall be held as needed to gather information and informally discuss specific issues or questions. The public may attend workshops. but may not participate unless expressly asked.

2.11.A All workshops are subject to Oregon's public meetings law and must be noticed accordingly.

2.11.B. Workshops are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session.

2.11.C. Workshops are to be scheduled by the city manager.

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2.11.D. The city manager is to invite any relevant staff to workshops so that the sessions are as productive as possible.

- 2.12 **Attendance by City Manager.** The City Manager shall attend all Council meetings unless excused by the Council or the Mayor. Staff shall attend when requested by the City Manager.

Section 3. **MECHANICS OF MEETINGS.**

- 3.1 **Quorum.** The Mayor, or in his/her absence the president of the Council, shall call the meeting to order at the hour designated for the meeting. The city Charter defines a quorum as a majority of the Councilors (Section 14), which means three (3) members of the Council, one of which may not be the mayor. If a quorum is not present, the City Manager shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.
- 3.2 **Rules of Order.** Unless otherwise provided by law or by these rules, the procedure for council meetings shall be governed by Robert's Rules of Order, Revised. The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose. Councilors should avoid invoking the finer points of parliamentary rules that serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens in general. The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Council.
- 3.3 **Agenda.** An agenda for each regular Council meeting shall be prepared by the City Manager. Council members may request that specific items be included on the agenda. The city Manager should be given enough time to do necessary research or prepare necessary reports to address the agenda items. Members of the public may request items of business according to city policy. Agendas for regular Council meetings shall be posted at City Hall and the Post Office at least 5 days prior to the meeting time. The Council shall consider at the meeting only matters that appear on the agenda for that meeting, except in the case of an emergency. The Council may discuss items added by a Council member at the meeting.
- 3.4 **Consent Calendar.** In order to make more efficient use of meeting time, the City Manager shall place minor administrative items, such as the approval of the order of business on the agenda, meeting minutes and financial reports, that are routine in nature and concerning which no debate is expected on a "consent calendar". Any item placed on the consent calendar shall be removed at the request of a Councilor prior to the time a vote is taken on the consent calendar. All remaining items on the consent calendar shall be disposed of by a single motion "to adopt the consent calendar," which

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shall not be debatable. Adoption of the consent calendar shall be by the affirmative vote of all Councilors present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the consent calendar shall be voted upon separately in the usual manner.

- 3.5 **Order of Business.** The order of business at regular Council meetings shall be as follows unless amended by the Council when adopting the consent calendar:

THE FOLLOWING SHOULD BE ALTERED AS NEEDED OR DESIRED

- 1) Call to Order
- 2) Roll Call
- 3) Oaths of Office
- 4) Consent Calendar
- 5) Presentations, guests, and announcements
- 6) Public comment on non-agenda items
- 7) Public comment on agenda items
- 8) Staff Reports
- 9) Public hearings
- 10) Old Business
- 11) New Business
- 12) Committee reports
- 14) Mayor and Councilor comments
- 15) Attorney's comments
- 16) Adjournment

- 3.6 **Record of Proceedings.** A written record, commonly called minutes, shall be kept of all meetings except Executive Sessions and maintained by the city in accordance with the appropriate record retention schedule. The minutes shall contain the following information:

- 1) The date, time and place of the meeting;
- 2) The members present;
- 3) The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- 4) The results of all votes and the vote of each member by name;
- 5) The substance of any discussion on any matter; and

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- 6) A reference to any document discussed at the meeting.

The council shall approve all minutes of any public meeting. All minutes shall be approved within ninety days of the meeting having occurred. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

3.7 Written Communications to the Council

3.7.A. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet but shall not be individually itemized on the agenda.

3.7.B. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.

3.7.C. The city manager may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

3.8 **Councilor Decorum.** The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal by a member of the Council. The Councilors shall help the Presiding Officer preserve decorum and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the lawful directions of the Presiding Officer or these Council Rules. Council members shall at all times conduct themselves in a manner appropriate to the dignity of their office.

3.9 **Audience Decorum.** Any person in the audience who makes personal, impertinent, slanderous remarks or who become boisterous while addressing the Council or attending a Council meeting or workshop may be removed from the room, after fair warning, if the Presiding Officer so directs. In case the Presiding Officer should fail to act, any Councilor may obtain the floor and move to require enforcement of this rule. Upon affirmative vote of the majority of the Council present, the person or persons shall be removed as if the Presiding Officer so directed.

3.10 **Flags, Signs and Posters.** No banners, flags, posters, placards or signs may be carried or placed within the city council chambers unless authorized by the Presiding Officer prior to the meeting. The Presiding Officer will only authorize use of these devices when it is determined that their use will not be visually nor audibly disruptive to the meeting.

3.11 **Speaking by Council Members and City Manager.**

3.11.A. Councilors, the City Manager and staff shall be recognized by the Presiding Officer before speaking, unless bringing up a point of order. Upon recognition

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by the Presiding Officer the Council member or City Manager shall speak and confine his or her remarks to the matter at hand.

- 3.11.B. A Council member desiring to question a city employee shall address the questions to the City Manager who shall be entitled to either answer the inquiry or designate a staff member to do so. Council members may direct questions to employees as follow-up to their staff reports or council meeting presentations.

3.12 Public Comment By Members of the Audience.

- 3.12.A. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e), the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The presiding officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.
- 3.12.B. Persons wishing to speak during public comment must sign the "speaker's roster" with the person's name and address and the topic upon which the person wishes to speak, not later than the call to order. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
- 3.12.C. Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.
- 3.12.D. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the council or city staff.
- 3.12.E. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing
- 3.12.F. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30- minute period.

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3.12.G. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.

3.12.H. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

3.13 **Decisions.** The Council shall not make a decision on any item that affects the public, or any individual member of the public, unless the item is on the posted agenda, except in the case where an emergency is declared.

3.14 **Voting Generally.**

3.14.A. The vote on every motion shall be taken by roll call. Members shall not explain their votes during roll call. Names of voters in favor and against shall be entered in full upon the record. Any member of the Council may change his or her vote prior to the next order of business.

3.14.B. An affirmative vote of the majority of the full council eligible to vote shall be required to adopt ordinances, order appropriations, authorize loans, fill vacancies on the council, further reconsider a motion, or amend these Rules.

3.14.C. An affirmative vote of the majority of the Council present eligible to vote shall be required to adopt the consent calendar, adopt resolutions, and pass any motion before the Council other than those referred to above.

3.14.D. An affirmative vote of two-thirds of the Council present shall be required in the event of an emergency.

3.14.E. Any other question before the Council may be decided by general agreement unless a motion is requested by any member of the Council.

3.15 **Duty to Vote.** When a question is taken, every member of the Council eligible to vote shall vote unless a Councilor states a valid reason to abstain or has a direct conflict of interest.

3.16 **Reconsideration of Actions Taken.** A Councilor who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council eligible to vote.

3.17 **News Media.** The provisions of this ordinance shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting. Any member of the news media which would like to receive copies of agendas or minutes of Council meetings shall request such copies in writing. There may be a charge for such copies.

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3.18 **Standing Committees/Commissions/Boards.**

3.18.A. The Budget Committee, as required by state law, shall be a standing committee. It shall be subject to Local Budget Law, ORS 294.311-294.565.

3.18.B. The Planning Commission, required by state law, shall be a standing commission. It is subject to City Ordinance and any other ordinances and resolutions which may amend it.

3.18.C. There are no standing boards.

3.19 **Ad Hoc and Advisory Committees.**

3.19.A. The Council may establish ad hoc and/or advisory committees as needed. Each such committee shall be established by ordinance or resolution for a specific purpose. It shall have a deadline to accomplish its purpose and shall be considered dissolved when its purpose is accomplished. If such a committee needs additional time to complete its purpose it shall request additional time from the Council. A Councilor may serve as liaison to a committee, but may not chair or vote.

3.19.B. At the first meeting of such a committee the members shall select a Chairperson, select a Secretary, and set a meeting schedule. Written minutes of meetings should be delivered to City Hall within two weeks of each meeting or before the next meeting if scheduled for less than two weeks. It shall be the responsibility of each committee Secretary to see that notice is posted of each meeting at City Hall and the Post Office. The Secretary may ask City staff to do a posting.

3.19.C. All meetings held by such committees are subject to the Oregon Public Meetings Law ORS 192.610-192.990.

3.20 **Appointing and Dissolving Committees, Commissions or Boards.** The Council may appoint and dissolve committees, commissions or boards as needed at their discretion.

Section 4. **Ethics.** Councilors are advised to be familiar with the ethics law, ORS Chapter 244. Each Councilor shall be provided a copy of the current publication, "A Guide for Public Officials", published by the Oregon Government Standards and Practices Commission.

Section 5. **Severability.** The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

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Section 1. **AUTHORITY**

- 1.1 The authority for the ~~ordinance-resolution~~ is the statement in Chapter ~~31V~~ Section ~~914~~, Charter of the City of Rockaway Beach which states "~~The Council shall by ordinance prescribe, rules to govern its meetings and proceedings~~The Council must be resolution adopt rules to govern its meetings."
- 1.2 These Council rules are to be supplementary and subordinate to the City Charter, the laws of the State of Oregon and the United States of America.
- 1.3 The Council shall review these rules at least once every two years. Amendments shall be adopted by a majority vote of the full Council excluding the Mayor.

Section 2. **MEETINGS AND WORKSHOPS**

- 2.1 **Definition.** **ORS 192.610 (5)** states that a meeting means the convening of the governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Council meetings and workshops are subject to Oregon Public Meetings Law, **ORS 192.610-192.990**.
- 2.2 **Regular Meetings.** The Council shall meet regularly {on the second and fourth Wednesdays of each} at least once a month on the second Wednesday at 6:00 p.m. within the City of Rockaway Beach. The meeting calendar shall be set by the Council each December for the following year.
 - 2.2.A. **Mayor's Vote.** The Mayor has no vote unless the voting members of the council are split evenly.
 - 2.2.B. **Mayor's Functions:**
 1. Act as Chairperson of Council meetings and preside over deliberations of the Council.
 2. Preserve order.
 3. Enforce Council rules.
 4. Determine the order of business before the Council.
- 2.3 **Special Meetings.** The Mayor, or in the Mayor's absence, the president of the Council, may call a meeting at any time, or shall on written petition of three councilors, call a meeting at any time for the transaction of the business mentioned in the petition. 24 hours notice is required (ORS 192.640(3)). Written notice of a special meeting shall be given each member of the Council. The notice shall be served on each member personally, or if a councilor is not found, left at his or her place of residence. Written notice shall be posted at City Hall and the Post Office. Members of the media who have asked to be notified of meetings shall be notified in the usual manner.
 - 2.3.A. **Council President.** Except in voting on questions before the council, the President shall function as Mayor when the Mayor is:

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1. Absent from a council meeting
2. Unable to function as Mayor

The President shall attempt to contact the Mayor, by the most expeditious means possible, if the President schedules a special meeting or executive session of the Council in the Mayor's absence. The intent would be to provide the Mayor with the opportunity to attend the meeting, if possible.

2.43 Emergency Meetings. In the case of an actual emergency, the Mayor, or in the Mayor's absence, the President of the Council, may call an emergency meeting on less than 24 hours notice. The minutes of the meeting shall describe the emergency justifying less than 24 hours notice. (ORS 192.640(3)) An attempt must be made to contact the media and other interested parties to inform them of the meeting. Such contacts may be by telephone, e-mail, ~~or~~ facsimile, or other electronic means.

2.5 Public Hearings Generally. ~~The format for public hearings shall be established as a city policy subject to revision as state law requires.~~

2.5.A. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.

2.5.B. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.

2.5.C. The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.

2.5.D. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address. All remarks shall be addressed to the council as a body and not to any member thereof.

2.5.E. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:

1. Staff presentation (15 minutes total).

2. Applicant or affected party (15 minutes). Quasi-judicial hearing only.

3. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.

4. Other interested persons (3 minutes per person).

5. Questions of staff (No time limit).

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6.Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).

2.6 General Conduct of Hearings

- 2.6.A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- 2.6.B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- 2.6.C. No person may speak more than once without obtaining permission from the presiding officer.
- 2.6.D. Upon being recognized by the presiding officer, any member of the council, the city manager [city administrator], planning director or the city attorney may question any person who testifies.
- 2.6.E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- 2.6.F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

2.7 Quasi-Judicial Land Use Matters

- 2.7.A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- 2.7.B. Conflicts of Interest.
 - 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
 - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

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2. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

a. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule

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

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

a. Land Use Hearing Disclosure Statement. The presiding officer shall read the land use hearing disclose statement, which shall include:

1) A list of the applicable criteria;

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

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

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

b. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.

c. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take

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official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

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

e. Presentation of the Case

1) Proponent's case. Twenty minutes total.

2) Persons in favor. Five minutes per person.

3) Persons opposed. Five minutes per person.

4) Other interested persons. Five minutes per person.

5) Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

f. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

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

h. Findings and Order. The council may approve or reject the proposal.

1) The council shall adopt findings to support its decision.

2) The council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

i. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

2.8 Legislative Land Use Matters.

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

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

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

3. Presentation of the Case.

a. Proponent's case. Twenty minutes total.

b. Persons in favor. Five minutes per person.

c. Persons opposed. Five minutes per person.

d. Other interested persons. Five minutes per person.

4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.

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

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

2.96 Executive Sessions. Executive sessions may be held during regular or special meetings, or as stand alone meetings, so long as appropriate statutory limitations are met. Written notice shall be posted at City Hall and the Post Office. Members of the media who have asked to be notified of meetings shall be notified in the usual manner.

2.9.A. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions.

2.9.B. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

2.107 Continuation of a Meeting. Upon majority vote of the Council any meeting may be continued to a later date or time, provided that no continuation or adjournment shall be for a period longer than the next regular scheduled meeting.

2.118 Workshops. Workshops are permitted to present information to the council so that the council is prepared for regular or special meetings. Workshops shall be held as needed to gather information and informally discuss specific issues or questions. ~~The location, date, and time shall be determined at regular Council meetings.~~ The public may attend workshops. but may not participate unless expressly asked.

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2.11.A All workshops are subject to Oregon's public meetings law and must be noticed accordingly.

2.11.B. Workshops are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session.

2.11.C. Workshops are to be scheduled by the city manager.

2.11.D. The city manager is to invite any relevant staff to workshops so that the sessions are as productive as possible.

2.129 Attendance by City Manager. The City Manager shall attend all Council meetings unless excused by the Council or the Mayor. Staff shall attend when requested by the City Manager.

Section 3. **MECHANICS OF MEETINGS.**

- 3.1 Quorum.** The Mayor, or in his/her absence the president of the Council, shall call the meeting to order at the hour designated for the meeting. The city Charter defines a quorum as a majority of the Councilors (Section 14), which means three (3) members of the Council, one of which may not be the mayor. If a quorum is not present, the City Manager shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.
- 3.2 Rules of Order.** Unless otherwise provided by law or by these rules, the procedure for council meetings shall be governed by Robert's Rules of Order, Revised. The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose. Councilors should avoid invoking the finer points of parliamentary rules that serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens in general. The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Council.
- 3.3 Agenda.** An agenda for each regular Council meeting shall be prepared by the City Manager. Council members may request that specific items be included on the agenda. The city Manager should be given enough time to do necessary research or prepare necessary reports to address the agenda items. Members of the public may request items of business according to city policy. Agendas for regular Council meetings shall be posted at City Hall and the Post Office at least 5 days prior to the meeting time. The Council shall consider at the meeting only matters that appear on the agenda for that meeting, except in the case of an emergency. The Council may discuss items added by a Council member at the meeting.

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3.4 **Consent Calendar.** In order to make more efficient use of meeting time, the City Manager shall place minor administrative items, such as the approval of the order of business on the agenda, meeting minutes and financial reports, that are routine in nature and concerning which no debate is expected on a "consent calendar". Any item placed on the consent calendar shall be removed at the request of a Councilor prior to the time a vote is taken on the consent calendar. All remaining items on the consent calendar shall be disposed of by a single motion "to adopt the consent calendar," which shall not be debatable. Adoption of the consent calendar shall be by the affirmative vote of all Councilors present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the consent calendar shall be voted upon separately in the usual manner.

3.5 **Order of Business.** The order of business at regular Council meetings shall be as follows unless amended by the Council when adopting the consent calendar:

THE FOLLOWING SHOULD BE ALTERED AS NEEDED OR DESIRED

- 1) Call to Order
- 2) Roll Call
- 3) Oaths of Office
- 4) Consent Calendar
- 5) Presentations, guests, and announcements
- 6) Public comment on non-agenda items
- 7) Public comment on agenda items
- ~~87)~~ Public Works Department report Staff Reports
- ~~98)~~ Public hearings
- ~~109)~~ Old Business
- ~~110)~~ New Business
- ~~121)~~ Committee reports
- ~~12)~~ City Manager report
- ~~143)~~ Mayor and Councilor comments
- ~~154)~~ Attorney's comments
- ~~165)~~ Adjournment

3.6 **Record of Proceedings.** A written record, commonly called minutes, shall be kept of all meetings except Executive Sessions and maintained by the city in accordance with the appropriate record retention schedule. The minutes shall contain the following information:

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- 1) The date, time and place of the meeting;
- 2) The members present;
- 3) The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- 4) The results of all votes and the vote of each member by name;
- 5) The substance of any discussion on any matter; and
- 6) A reference to any document discussed at the meeting.

(ORS 192.650). The minutes shall be prepared in a timely fashion, and shall be presented to the Council as soon as possible for review, amendment and approval. All motions made, seconded or not, shall be recorded. Whenever results of an election are announced at a meeting, the vote counts shall be recorded in the minutes. Approval of the minutes shall be the authentication required by Section 17 of the Charter. Executive Sessions shall be recorded on audio tape only; no written record shall be provided except as required by law. (ORS 192.650(2) Audio tapes of any meetings other than Executive shall be retained for seven years. The council shall approve all minutes of any public meeting. All minutes shall be approved within ninety days of the meeting having occurred. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

3.7 Written Communications to the Council

- 3.7.A. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council in the agenda packet but shall not be individually itemized on the agenda.
- 3.7.B. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
- 3.7.C. The city manager may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

- 3.87 Councilor Decorum.** The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal by a member of the Council. The Councilors shall help the Presiding Officer preserve decorum and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the lawful directions of the Presiding Officer or these Council Rules. Council members shall at all times conduct themselves in a manner appropriate to the dignity of their office.

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- 3.98 Audience Decorum.** Any person in the audience who makes personal, impertinent, slanderous remarks or who become boisterous while addressing the Council or attending a Council meeting or workshop may be removed from the room, after fair warning, if the Presiding Officer so directs. In case the Presiding Officer should fail to act, any Councilor may obtain the floor and move to require enforcement of this rule. Upon affirmative vote of the majority of the Council present, the person or persons shall be removed as if the Presiding Officer so directed.
- 3.109 Flags, Signs and Posters.** No banners, flags, posters, placards or signs may be carried or placed within the city council chambers unless authorized by the Presiding Officer prior to the meeting. The Presiding Officer will only authorize use of these devices when it is determined that their use will not be visually nor audibly disruptive to the meeting.
- ~~3.10 — **Permission to Video Tape Meetings.** Requests to video tape a meeting shall be made 24 hours in advance. The video taping shall be from a fixed location.~~
- 3.11 Speaking by Council Members and City Manager.**
- 3.11.A. Councilors, the City Manager and staff shall be recognized by the Presiding Officer before speaking, unless bringing up a point of order. Upon recognition by the Presiding Officer the Council member or City Manager shall speak and confine his or her remarks to the matter at hand.
- 3.11.B. A Council member desiring to question a city employee shall address the questions to the City Manager who shall be entitled to either answer the inquiry or designate a staff member to do so. Council members may direct questions to employees as follow-up to their staff reports or council meeting presentations.
- 3.12 ~~Speaking by~~Public Comment By Members of the Audience.**
- 3.12.A. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e), the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The presiding officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.~~Non-Agenda Items. A member of the audience desiring to address the Council shall raise a hand and wait to be recognized by the Presiding Officer. If the presiding officer determines that such item is appropriate for discussion. The council shall be polled to determine if they, too, agree. If a quorum of members present agree to discuss the item proposed, the presiding officer may establish a time period and limit discussion to 10 minutes. After recognition, the person's name and address shall be stated for the record. All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilor, staff~~

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~~member or other person unless authorized by the Presiding Officer. No person shall enter into discussion without being recognized by the Presiding Officer. A member of the audience addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer.~~

3.12.B. ~~Persons wishing to speak during public comment must sign the "speaker's roster" with the person's name and address and the topic upon which the person wishes to speak, not later than the call to order. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment. Agenda Items. The members of the audience shall have the opportunity to address the Council on an agenda item when that item is reached in the meeting. A member of the audience desiring to address the Council shall raise a hand and wait to be recognized by the Presiding Officer. After recognition, the person's name and address shall be stated for the record and the remarks shall be limited to the question under discussion. All remarks and questions shall be addressed to the Presiding Officer and not to any individual Councilor, staff member or other person. No member of the audience shall comment or enter into discussion without being recognized by the Presiding Officer. A member of the audience addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer. No member of the audience shall be allowed to speak more than once upon any one subject until every other member of the audience choosing to speak has spoken. After a motion has been made and seconded no more public comment will be allowed.~~

3.12.C. ~~Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.~~

3.12.D. ~~Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the council or city staff.~~

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

3.12.F. ~~Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30- minute period.~~

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3.12.G. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.

3.12.H. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

3.13 Decisions. The Council shall not make a decision on any item that affects the public, or any individual member of the public, unless the item is on the posted agenda, except in the case where an emergency is declared.

3.14 Voting Generally.

3.14.A. The vote on every motion shall be taken by roll call. Members shall not explain their votes during roll call. Names of voters in favor and against shall be entered in full upon the record. Any member of the Council may change his or her vote prior to the next order of business.

3.14.B. An affirmative vote of the majority of the full council eligible to vote shall be required to adopt ordinances, order appropriations, authorize loans, fill vacancies on the council, further reconsider a motion, or amend ~~this-these~~ Rules Ordinance.

3.14.C. An affirmative vote of the majority of the Council present eligible to vote shall be required to adopt the consent calendar, adopt resolutions, and pass any motion before the Council other than those referred to above.

3.14.D. An affirmative vote of two-thirds of the Council present shall be required in the event of an emergency.

3.14.E. Any other question before the Council may be decided by general agreement unless a motion is requested by any member of the Council.

3.15 Duty to Vote. When a question is taken, every member of the Council eligible to vote shall vote unless a Councilor states a valid reason to abstain or has a direct conflict of interest.

3.16 Reconsideration of Actions Taken. A Councilor who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council eligible to vote.

3.17 News Media. The provisions of this ordinance shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting. Any member of the news

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media which would like to receive copies of agendas or minutes of Council meetings shall request such copies in writing. There may be a charge for such copies.

3.18 Standing Committees/Commissions/Boards.

3.18.A. The Budget Committee, as required by state law, shall be a standing committee. It shall be subject to Local Budget Law, ORS 294.311-294.565.

3.18.B. The Planning Commission, required by state law, shall be a standing commission. It is subject to City Ordinance and any other ordinances and resolutions which may amend it.

3.18.C. There are no standing boards.

3.19 Ad Hoc and Advisory Committees.

3.19.A. The Council may establish ad hoc and/or advisory committees as needed. Each such committee shall be established by ordinance or resolution for a specific purpose. It shall have a deadline to accomplish its purpose and shall be considered dissolved when its purpose is accomplished. If such a committee needs additional time to complete its purpose it shall request additional time from the Council. A Councilor may serve as liaison to a committee, but may not chair or vote.

3.19.B. At the first meeting of such a committee the members shall select a Chairperson, select a Secretary, and set a meeting schedule. Written minutes of meetings should be delivered to City Hall within two weeks of each meeting or before the next meeting if scheduled for less than two weeks. It shall be the responsibility of each committee Secretary to see that notice is posted of each meeting at City Hall and the Post Office. The Secretary may ask City staff to do a posting.

3.19.C. All meetings held by such committees are subject to the Oregon Public Meetings Law ORS 192.610-192.990.

3.20 Appointing and Dissolving Committees, Commissions or Boards. The Council may appoint and dissolve committees, commissions or boards as needed at their discretion.

Section 4. Ethics. Councilors are advised to be familiar with the ethics law, ORS Chapter 244. Each Councilor shall be provided a copy of the current publication, "A Guide for Public Officials", published by the Oregon Government Standards and Practices Commission.

Section 5. Severability. The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

ARTICLE 5 - UNION SECURITY

~~5.1. Membership or non-membership in the Union shall be the individual choice of the employees covered by this Agreement. Employees who, thirty days after the employee's date of hire is not a member of the Union and chooses to remain a non-member of the Union shall make payments in lieu of dues to the Union. Such payments shall be in an amount determined by the Union in accordance with constitutional and statutory requirements.~~

5.2. The City agrees to notify the Union of all new hires in the bargaining unit within ten (10) calendar days from date of hire, furnishing the Union with the new employee's name, email address, personal mailing address, mobile and home telephone numbers and position for which they were hired. The City will allow a Union representative to meet with new employees for up to thirty (30) minutes within 30 days of hire.

5.3. The City agrees to deduct from the paycheck of each employee's Union dues. ~~or "fair share."~~ The City shall not be held liable for checkoff errors but shall make proper adjustments with the employee and the Union for errors as soon as practicable and upon notification from the Union. The Union agrees to indemnify and hold harmless the City from any action arising under this article. The amount deducted shall be transmitted monthly to the Union. Transmittal to include employees name, social security number, mailing address and amount deducted.

~~5.4. An employee who is a member of a church or religious body having bona fide religious tenets or teachings which prohibit association with a labor organization or the payments of dues to it, shall pay an amount of money equivalent to the fair share amount described in Section 5.1. Such payment shall be made to a non-religious charity or another charitable organization mutually agreed upon by the Employee affected and the Union. The Employee shall furnish written proof to the employer that payment has been made.~~

5.5. The City agrees to furnish a bulletin board at each regular work location in a convenient place to be used and maintained by the Union. The Union shall limit its posting of notices and bulletins to such bulletin boards. The Union shall periodically clear the board of outdated material and shall restrict posting to matters of Union business, which are of a non-political non-inflammatory nature.

5.6. Employees seeking to withdraw their authorization are subject to the terms and conditions of their Union membership.

~~5.7. The City shall notify the Union of all new hires within the bargaining unit within two (2) weeks of their having been employed, furnishing the Union with the new Employee's name, social security number, mailing address, and position for which they were hired.~~

~~5.6 Employees who are current members of the Union at the signing of this agreement or who sign a Union membership card subsequent to the signing of this agreement shall maintain their Union membership for the duration of the collective bargaining Agreement. Maintenance of membership shall be a condition of employment. This section shall not apply during the 30-day period prior to expiration of this Agreement for those Employees who, by written notice sent to the Union and the Employer, indicate their desire to withdraw their membership from the Union.~~

ARTICLE 9 - HOLIDAYS

- 9.1. All Employees, with the exception of Police Officers, shall be entitled to the Holidays listed below with pay. Full-time Employees shall receive regular compensation; part-time Employees shall be compensated in proportion to the number of hours they are normally scheduled to work.

New Year's Day	January 1st
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
<u>Juneteenth</u>	<u>June 19th</u>
Independence Day	July 4 th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving	Fourth Thursday in November
Christmas Day	December 25 th

- 9.2. When a holiday falls on a Sunday, it shall be observed on the following Monday. When a holiday falls on a Saturday, it shall be observed on the previous Friday. On holidays, the City will staff Public Works with a minimum number of staff for safety and health. Non-Police Department Employees who are required to work on a Holiday shall receive time and one-half (1 1/2) for all hours worked plus their regular pay. ~~When a holiday falls on a Friday City Hall Employees on four (4) consecutive ten (10) hour days with three (3) consecutive days off shall observe the holiday on the previous Thursday and shall take the Wednesday off before Thanksgiving instead of the Friday after.~~

For Police Officers, they shall accrue ten (10) holiday hours on the first day of each month with no 'set' holidays for the year. The Police Officer is expected to use the ten hours in the month it is accrued, based on mutual agreement of the day off between the Employee and the Chief of Police. Every effort shall be made by the Police Officer and the Chief of Police to reach an agreement. In the absence of an agreement, the holiday may be assigned to the Police Officer by the Chief of Police or the Chief of Police may authorize accrual. Police Officers will not be allowed to build an accrual of more than twenty (20) hours without written approval by the Chief of Police. The holiday time used by the Police Officer shall be compensated at that Employee's regular rate of pay.

- 9.3. Employees must be in a paid employment status on both the work day preceding and the work day following the holiday in order to be compensated for the holiday.

- 9.4. Holidays which occur during an Employee's vacation or sick leave shall not be charged against such leave. Holidays occurring during leave without pay shall not be compensated.
- 9.5. Each Employee shall be credited two (2) and three (3) for Public Works Floating Holidays on January 1st of each year. All unused Floating Holiday time expires on December 31st of each year. Employees hired during the calendar year shall have their Floating Holidays prorated to the nearest hour. Employees may take their Floating Holidays with prior approval of their Supervisor. Police Officers will be paid only the amount of holiday accrued that does not exceed any written approval by the Chief of Police. **For those not working a five(5) consecutive eight(8) hour day schedule, an extra Floating day shall be credited for any holiday landing on an employees scheduled day off.**

Upon termination, an Employee will be paid for any unused Floating Holiday for that calendar year. Employees who are terminated during their initial probationary period shall not be entitled to payment for any unused Floating Holiday time.

Employees may use Floating Holiday time in increments of four (4) hours or less if approved by the Employee's Supervisor.

No Floating Holidays shall be taken during the first six (6) months after date of hire.

ARTICLE 14 - WAGES

Effective July 1, 2023 employee wages shall be adjusted by not less than 2.55% nor more than 6.5 7% based upon the change in the All Cities CPI-U, whichever is higher. July 1, 20232017, all steps in Appendix "A", the attached salary schedule, shall be increased by a percentage increase in the Portland-Salem CPI-W from the second half of 2016 to the second half of 2017 with a minimum of two and one half percent (2.5%) and a maximum of three and one half percent (3.5%) amount of 3%.

Effective July 1, 2024 employee wages shall be adjusted by not less than 2.55% nor more than 6.5 7% based upon the change in the All Cities CPI-U, whichever is higher. Effective July 1, 2018, all steps in Appendix "A", the attached salary schedule, shall be increased by the percentage increase in the Portland-Salem CPI-W from the second half of 2016 to the second half of 2017 with a minimum of two and one half percent (2.5%) and a maximum of three and one half percent (3.5%).

Effective July 1, 2025 employee wages shall be adjusted by not less than 5% nor more than 7% based upon the change in the All Cities CPI-U, whichever is higher. Effective July 1, 2019, all steps in Appendix "A", the attached salary schedule, shall be increased by the percentage increase in the Portland-Salem CPI-W from the second half of 2017 to the second half of 2018 with a minimum of two and one half percent (2.5%) and a maximum of three and one half percent (3.5%).

Effective July 1, 2026 employee wages shall be adjusted by not less than 5% nor more than 7% based upon the change in the All Cities CPI-U, whichever is higher. Effective July 1, 2020, all steps in Appendix "A", the attached salary schedule, shall be increased by the percentage increase in the Portland-Salem CPI-W from the second half of 2018 to the second half of 2019 with a minimum of two and one half percent (2.5%) and a maximum of three and one half percent (3.5%).

14.1. Whenever an Employee is permanently appointed in writing to a higher paying position, they shall receive the nearest step which represents at a minimum a 3% increase in their base salary.

14.2. Employees temporarily assigned by their Supervisor the duties and responsibilities of a higher paying position for a day or more shall receive no less than an additional five percent (5%) increase of their base salary for the total time of such assignment.

14.3. Employees will normally enter the salary schedule at step one and thereafter move to the next higher step upon completion of twelve (12) months of satisfactory service as reflected in the employee's anniversary date evaluation, no increase in salary may be given for unsatisfactory performance. The City may enter Employees at any step of the salary schedule or advance more than one step. In no event shall an Employee be denied a step increase on their anniversary date if the City has failed to complete an Employee's annual evaluation.

Anniversary date for purposes of calculating step adjustments shall be the first day of the month hired (the day the Employee first renders paid service), if hired between the 1st and the 15th day of the month inclusive or the first day of the next month if hired on the 16th day or later in a month.

Employees whose anniversary evaluation is unsatisfactory shall be reevaluated in 90 days, in which case their step increase would not be effective until the satisfactory completion of the 90 day evaluation period. If the second evaluation is unsatisfactory, the City has no obligation to reevaluate that Employee until the Employee's next anniversary date.

If an Employee feels an overall unsatisfactory evaluation is arbitrary and capricious, they may appeal the evaluation to the City Liaison for their department. If not satisfied, then the Employee may appeal to the City Council in executive session, but not to binding arbitration.

14.4. Paydays and Draws. Payday shall be the last working day of the month for all work through the end of that month, except for overtime, which is through the 25th of the month. Overtime earned after the 25th of the month would be reflected on the next month's paycheck. A draw on earned salary may be drawn on the 15th day of the month equal up to one-half of the earned base salary. If the 15th falls on Saturday, the draw may be taken on Friday; if the 15th falls on Sunday, the draw may be taken on Monday.

14.5. Longevity Pay. ~~Longevity pay will be a two (2) Tier scale.~~

~~Employees hired before July 1, 2004 will fall into Tier 1. Employees hired on or after July 1st 2004, will fall into Tier 2 for longevity pay.~~ The longevity pay plan shall be based on a percentage of the yearly gross salary for the base step of that salary classification in accordance with the following tier schedules:

~~Tier 1~~ Longevity:

1. ~~3~~ 4 $\frac{1}{2}$ % after completing 5 through 10 years.
2. ~~4~~ 2 $\frac{1}{2}$ % after completing 11 through 15 years.
3. ~~5~~ 3 $\frac{1}{2}$ % after completing 16 through 20 years.
4. ~~7~~ 5 % after completing 21 years.

~~Tier 2~~ Longevity:

1. ~~1~~ 3 $\frac{1}{2}$ % after completing 5 through 10 years.
2. ~~2~~ 4 $\frac{1}{2}$ % after completing 11 through 15 years.
3. ~~3~~ 5 % after completing 16 years.

For the purpose of computation of the longevity pay, the commencing date of employment shall be January 1 of the year closest to the date which employment became effective. The longevity pay shall be paid on the last payroll period before Christmas of the year eligible. No payments can be applied for if the employment terminates prior to serving at least the minimum number of years necessary for the initial payment.

- A. Certification Pay (Police). Police Officers who possess an intermediate DPSST certification shall receive an additional 2% added to their base pay. Police Officers who possess an advance DPSST certification shall receive an additional 3% added to their base pay. An Officer will get 5% if both certificates are obtained.

City of Rockaway
Union Proposal
January 18, 2023

ARTICLE 29-DURATION OF AGREEMENT

This Agreement shall be in effect as of July 1, 2023 and shall remain in force through June 202~~5~~6.

PFML New Article

1. Effective upon ratification, the City shall cover the employees' portion of the contribution to Paid Leave Oregon in the amount of 60% and the 40% of the employer portion of 1% of each employees' annual salary, which are capped at \$132,900, along with the employer's portion of the contribution.
2. If the employer covers the employee portion of the 1% contribution, that payment is taxable and will be properly recorded and taxed on employee statement of earnings and subsequent W2's.
3. Use of the Paid Leave Oregon benefit will begin in September 2023. It is the City's expectation that employees follow the notification rules as outlined by the State, providing 30-day notice for leaves that are known in advance and notice within 24 hours for those that are emergent.
4. The City will run Paid Leave Oregon leave concurrent with other protected leaves as allowed by law.
5. Employees will be allowed to use their accrued City leave to supplement their Paid Leave Oregon benefit. However, due to the fact that each individual may have a different benefit amount, the employee choosing to supplement their accrued City leave will be required to provide the City with a copy of their Oregon Paid Leave gross benefit amount and City will calculate the needed accrual use based upon the base rate gross wage of the employee. This supplemental payment may be one pay period behind.
6. Should the contribution obligations provided for in ORS 657B.150 be revised, including the percentage of wages or increase to the maximum wages subject to contribution, the City will continue to cover the employee's portion at 60% of 1% of wages as described in #1 above. The parties agree to commence bargaining to negotiate terms to replace this MOA upon adoption of the revised contribution obligations. Such bargaining shall be subject to the provisions of ORS 243.698.