CITY OF THE DALLES

CITY COUNCIL RULES AND CODE OF CONDUCT POLICY

Effective September 10, 2024

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CITY COUNCIL RULES
CODE OF CONDUCT POLICY
Effective September 10, 2024

I. AUTHORITY

A. Council. Except as specifically prescribed by the 2020 City of The Dalles Charter (**Charter**) and the Oregon constitution (as amended), all powers of the City are vested in the City Council (**Council**). Council comprises 5 Councilors; provided, however, in cases of unfilled Council vacancies, Council comprises only those Councilors whose offices are not vacant. Regardless of any vacancies, and notwithstanding any other provision of this Policy, the term ***Council-majority*** means 3 Councilors.

B. Rules Authorized. Section 11 of the Charter requires Council to prescribe rules governing its meetings and proceedings by resolution—accordingly, the provisions of this Policy binds the Mayor, Councilors, and Staff and their respective successors and assigns until it is duly replaced or amended. This Policy is adopted pursuant to Resolution No. 24-021 (which Council intends to satisfy that Charter requirement) and may be referred to as the ***Council Rules***.

C. Control. Nothing in this Policy is intended to supersede or contravene the Charter or other applicable and controlling law (collectively, **Applicable Law**), including the provisions of the Oregon Public Meetings Law (ORS 192.610 *et seq.*). The City Attorney shall decide all questions of interpretations of this Policy or Applicable Law. If the provisions of this Policy appear inconsistent with Applicable Law, the City Attorney shall attempt to reconcile those apparently inconsistent provisions so as to harmonize them; if the City Attorney determines they are unable to be harmonized, then the provisions of Applicable Law control.

D. Effective Date. This Policy is effective and shall govern all Council conduct and meetings held commencing September 10, 2024, until Council duly adopts a new Policy by resolution.

E. Robert's Rules. Unless otherwise provided by this Policy or Applicable Law, the procedure for Council meetings shall be guided (i.e., not governed) by the most recent edition of *Robert's Rules of Order*; provided, however, Councilors are encouraged to avoid invoking the finer points of parliamentary procedure found with *Robert's Rules of Order* when such points obscure the issues before Council or have a reasonable likelihood of confusing members of the public. The City Attorney shall be Council's parliamentarian.

F. Waiver. At any time during an open meeting, any Councilor may move to waive any provision of this Policy for a specific situation; if seconded and affirmatively approved by a Council-majority, that provision shall be waived for purposes of that situation; provided, however, Council may not so waive any provision of Applicable Law, **Rule I** (*Authority*), or **Rule II** (*Charter Requirements*).

II. CHARTER REQUIREMENTS

A. Council Meetings. The following provisions applicable to Council meetings are governed by the Charter and may not be waived by Council:

1. ***Oath***. Before assuming City office, a Councilor-elect shall take an oath affirming they will faithfully perform the duties of the office and support the constitution and laws of the United States, the State of Oregon, and City ordinances. *See* **Rule III(B)** *(Oath of Office)*.

2. ***Term Commencement***. The term of office of a Councilor elected at a general election begins at the first Council meeting of the next calendar year immediately after the election and continues until the successor to the office assumes their office.

3. ***Regular Meetings***. Unless otherwise noticed, Council shall meet regularly at a time and place designated by this Policy and may meet at other times in accordance with this Policy. *See* **Rule III(C)(1)** *(Regular Meetings)*.

4. ***Mayoral Powers and Duties***. When present at Council meetings, the Mayor shall be the Presiding Officer and preside over Council's deliberations, preserve order, enforce this Policy, and determine the order of business. The Mayor has no veto power and shall sign all ordinances and resolutions passed by Council within 3 days after passage; provided, however, the Mayor may vote on any question before Council to resolve tie votes from the Councilors present at a meeting.

5. ***Council President Powers and Duties***. The Council shall appoint a Council President at its first meeting of each odd-numbered year. When the Mayor is absent from a Council meeting or is otherwise unable to function as the Mayor, the Council President shall function as the Mayor (e.g., as Presiding Officer, signing resolutions or ordinances approved at such meetings, etc.); provided, however, the Council President still votes on questions before Council in such cases.

6. ***Minutes***. The City Clerk's Office is responsible for recording the minutes of all Council meetings consistent with the provisions of the Oregon Public Meetings Law and Council is responsible for authenticating such minutes at a regular meeting.

B. Formal Action. The following provisions applicable to Council actions are governed by the Charter and may not be waived by Council:

1. ***Quorum and Vote Required***. 3 Councilors constitutes a quorum for its business and the *express concurrence of a majority of the Councilors present and constituting a quorum* is necessary to decide affirmatively a question before Council; provided, however, if Council has 2 vacancies, a quorum requires 2 Councilors, but—in all cases—no resolution, ordinance, or motion shall be passed except upon a favorable vote of at least 3 Councilors.

2. ***Ordinances***.

   a. *Single Meeting*. Council may adopt an ordinance by title only and at a single meeting by unanimous vote if the proposed ordinance is available to the public at

least 1 week before that meeting, a copy of the ordinance is provided for each Councilor, and notice of ordinance availability is given by written notice posted at City Hall, 2 other public places in the City, and (in the City Clerk's discretion) via social media.

b. *Two Meetings*. Unless the requirements of a single-meeting adoption are met, adoption of an ordinance requires approval by a Council-majority at two meetings.

c. *Substantive Amendments*. Any substantive amendment to the proposed ordinance must be read aloud or made available in writing to the public before Council adopts an amended proposed ordinance at that meeting. *See* **Rule III(G)(12)(c)** (*Ordinances*).

d. *Immediate Effect*. Emergency ordinances (i.e., ordinances necessary to have immediate effect for the preservation of the peace, health, or safety of the City) may take effect upon adoption if it states the reasons for the emergency in a separate section and if approved by an affirmative vote of at least a Council-majority. Non-emergency ordinances are effective 30 days after adoption unless Council prescribes a later day in the ordinance.

C. Vacancy and Appointment. The following provisions applicable to vacancies and appointments are governed by the Charter and may not be waived by Council:

1. ***Vacancies***.

a. *Occurrence*. A Councilor vacates their office upon that Councilor's death, adjudicated incompetence, recall from the office, or resignation. The Council may also declare a vacancy of a Councilor's office if an elected or appointed Councilor fails to qualify for the office within 10 days after the time their term commences, if a Councilor is absent from the City for 30 days without Council's consent or from all Council meetings within a 60-day period, if a Councilor ceases to reside in the City, if a Councilor ceases to be a qualified elector under Oregon law, or if a Councilor is convicted of a public offense punishable by loss of liberty.

b. *Filling*. Vacancies in the office of the Mayor or a Council position shall be filled by a Council-majority appointment; such appointees must meet the Charter's qualification requirements and their terms of office shall run from the time of their qualifying for the office after appointment until expiration of the term of their predecessor.

c. *Temporary Vacancy*. A Council-majority may appoint a person meeting the Charter's qualification requirements as Councilor pro tem to fill a vacancy resulting from a Councilor's disability to serve on Council or during a Councilor's absence from the City.

2. ***Mayoral Appointments***. The Mayor shall appoint (subject to Council confirmation) members of committees and commissions established by City ordinance or created or otherwise required by Council (collectively, **Subcommittees**).

3. ***Appointive Offices***. A Council-majority shall appoint and may remove the City Manager, City Attorney, and Municipal Court Judge. A Council-majority may also create, abolish, and combine additional appointive offices and (except as a Council-majority prescribes otherwise) fill such offices by appointment and vacate them by removal.

    a. *City Manager*.

        (i) *Appointment*. Council's appointment of the City Manager shall be without regard to political considerations and be based solely on the basis of administrative qualifications. The City Manager shall be appointed for an indefinite term and may be removed by Council at its pleasure. If the City Manager's Office remains vacant for 6 consecutive months, Council shall appoint a person meeting the Charter's qualification requirements to fill the vacancy. When the City Manager is absent from the City or disabled from acting as manager, or when the City Manager's Office becomes vacant, Council shall appoint a City Manager pro tem having all the powers and duties of the City Manager except their appointment and removal of Staff requires Council approval; provided, however, no person is authorized to serve as City Manager pro tem more than 6 consecutive months.

        (ii) *Influence*. Except during a Council meeting, no Councilor may directly or indirectly, by suggestion or otherwise, influence the City Manager or a candidate for the City Manager's Office with respect to Staff appointment, discipline, or removal or in decisions regarding City property or contracts. Any Councilor who violates that prohibition may be removed from office by a court of competent jurisdiction. During a Council meeting, Councilors may discuss with or suggest to the City Manager anything pertinent to City affairs.

    b. *City Attorney*. The duties of the City Attorney's Office may be assigned by contract.

    c. *Municipal Judge*. Council may authorize the Municipal Judge to appoint Municipal Judges pro tem for terms of office set by the Municipal Judge or Council. Council may transfer some or all of the functions of the Municipal court to an appropriate State court.

III. COUNCIL MEETINGS

A. General. All Council meetings shall be held in accordance with the provisions of this Policy and Applicable Law. Council should strive to keep meetings focused with the intent of adjourning within 3 hours from commencement and no Council action shall be deemed invalid solely on the basis that it occurred after 3 hours into a meeting.

B. Oath of Office. The City Clerk (if they are a notary public or otherwise meet the requirements of ORS 44.320, otherwise such person designated by the City Manager and qualified pursuant to that law) shall administer oaths of office for Councilors- and Mayors-elect. If Council's first regular meeting in a given calendar year after an election is cancelled, the City will privately organize an oath ceremony with and for Councilors- and Mayor-elects to ensure they have taken their oaths prior to (or at) such first meeting.

C. Meeting Types. A Council ***meeting*** is the convening of Council for which a quorum is required to make a decision or deliberate toward a decision on any matter, but does not include Council's on-site inspection of any project or program or Councilor attendance at any national, regional, or state association to which the City or Councilors belong. All meetings are public meetings generally classified either by their purpose or notice requirements:

1. ***Regular Meetings***. Regular meetings are consistently held meetings required by the Charter and intended for Council's consideration of the City's regular business. Unless otherwise noticed, regular meetings shall be held on the second and fourth Mondays of each month at 5:30 p.m. Pacific Prevailing Time in Council Chambers on the Second Floor of City Hall. For a regular meeting, the City Clerk's Office should strive to notice the agenda 7 days before a given meeting and shall notice the agenda at least 24 hours before that meeting.

2. ***Special Meetings***. Special meetings are all meetings other than regular meetings and are intended for Council's consideration of specific issues. The Mayor, a Council-majority, the City Manager, City Attorney, or City Clerk may timely notice special meetings. For special meetings, the City Clerk's Office should strive to notice the agenda as soon as reasonably practicable before a given meeting and shall notice the agenda at least 24 hours before that meeting.

3. ***Emergency Meetings***. Emergency meetings are a type of special meeting called on less than 24 hours' notice and are only authorized in cases of actual emergencies—specifically, an emergency meeting's minutes must describe the emergency justifying less than 24 hours' notice. Any claimed actual emergency must relate to the matter discussed at the emergency meeting (i.e., Councilor unavailability or inconvenience is not sufficient grounds for an emergency meeting). A Council-majority may call for an emergency meeting after City Attorney approval, unless the expected time for such legal sufficiency approval reasonably frustrates the purpose of the emergency meeting. For emergency meetings, the City Clerk's Office shall notice emergency meetings as is appropriate to the circumstances, including contacting the media and other interested persons to inform them of the meeting using any practicable means (including by telephone or email).

4. ***Work Sessions***. Work sessions are a type of special meeting and are intended to provide Council background information as a preliminary discussion on future Council items. Work sessions typically answer Council's questions and provide information to facilitate Council's informed direction to Staff on a particular issue. While Council typically does not take public comment at work sessions, community member groups and committees may make presentations. By their nature, work sessions do not usually include Council's formal action. For work sessions, the City Clerk's Office should strive to notice the agenda as soon as reasonably practicable before a given meeting and shall notice the agenda at least 24 hours before that meeting.

5. ***Executive Sessions***. Executive sessions are a type of meeting (or part of a meeting) closed to certain persons for Council's deliberations on certain matters. The permissible purposes of an executive session are limited to those codified as ORS 192.660(2). The City Clerk's Office shall notice executive sessions with the notice for the meeting at which the executive session will be held, except Council may always add an executive session to an otherwise noticed meeting's agenda so long as Council's deliberations are limited to the topics authorized in the specific authorizing statute. The authorized person calling or convening the meeting shall ensure the City Attorney authorizes the specific authorizing statute serving as the basis for all executive sessions.

D. Virtual/Electronic Meetings. For all meetings except executive sessions, Council (through the City Manager) shall provide to the public an opportunity to access and attend the meeting by telephone, video, or other virtual/electronic means to the extent reasonably possible. In such cases, the City Manager shall make available to the public at least one place where (or at least one electronic means by which) the public can listen to the communication at the time it occurs, and such place may be a place where no Councilor is present. In the alternative, the City Manager shall provide the public with an access code or other means to attend the meeting using virtual/electronic means. If public comment or testimony would have been allowed but for a person's virtual/electronic attendance, the City shall provide an opportunity for such virtual/electronic attendees to offer public comment or testimony by virtual/electronic means consistent with **Rule IV** (*Public Participation*).

E. Recess and Holidays. Council is in recess during the month of August unless the City determines a special meeting is in the City's best interests. If a regular meeting coincides with a holiday recognized by the City, that meeting will either be cancelled or rescheduled.

F. Notice. The City Clerk's Office is responsible for timely noticing the time and place of all Council meetings to each Councilor, appropriate Staff, interested persons (including news media) who have requested notice, and the public, and shall do so in a manner reasonably calculated to give actual notice and providing a list of the principal subjects anticipated to be considered by Council at each meeting (**Agenda**). Other items may be placed on the Agenda after it is noticed if the Mayor, a Councilor, City Manager, City Attorney, or City Clerk explain the need for Council's consideration of such items at the meeting or if the City Clerk timely notices the supplemental item as soon as practicable prior to the meeting.

G. Regular Agendas. The Agenda for regular meetings shall be substantively as follows; provided, however, the Presiding Officer or a Council-majority may modify the order of any Agenda Items as convenient:

1. **CALL TO ORDER**. The Presiding Officer shall call the meeting to order.

2. **ROLL CALL OF COUNCIL**. The City Clerk or designee shall take Council's and the Mayor's attendance by roll call and shall note any Councilor's absence (and the times of any Councilor's or the Mayor's subsequent presence and absence during the meeting) in the meeting's minutes. If the Presiding Officer or City Attorney determines no quorum is present for a meeting, the Councilors present shall not take any final action at that meeting unless and until a sufficient number of Councilors are present at the meeting to constitute a quorum.

3. **PLEDGE OF ALLEGIANCE**. The Presiding Officer shall lead Council in reciting the Pledge of Allegiance. The City is prohibited from compelling any person to salute the flag, remove their hats during, or stand for or recite the Pledge of Allegiance.

4. **APPROVAL OF AGENDA**. The Presiding Officer shall call for Council's approval of the Agenda. Any corrections or additions to the Agenda should be addressed prior to Agenda approval. ***Note***: Any Councilor intending to remove items noticed on the Consent Agenda for placement elsewhere on the Agenda for a given meeting should vocalize that intent prior to Agenda approval.

5. **PROCLAMATIONS/PRESENTATIONS**. For *Proclamations*, the Presiding Officer shall provide the City's formal recognition of a particular matter and all such matters must be sponsored by the Mayor or at least one Councilor. For *Presentations*, the Presiding Officer shall recognize a prearranged speaker to present information to Council.

6. **PUBLIC COMMENT**. The Presiding Officer shall open the floor to public comment on any topic not appearing on that meeting's Agenda. To conserve meeting time and ensure all have an opportunity to speak, the Presiding Officer shall uniformly allow each commenter at a given meeting no more than 3 minutes of comment. If a response from the City is requested, the Presiding Officer shall refer the matter to the City Manager for further action. All commenters intending to appear before Council personally must sign the attendance sheet provided before speaking.. All commenters intending to appear before Council virtually/electronically must contact the City Clerk's Office **by noon on the meeting day** to be provided the opportunity to offer virtual comment. All commenters intending to submit written comment to Council must either email or provide at least 9 printed copies of their written comment to the City Clerk **before** the Presiding Officer calls the meeting to order.

7. **CITY MANAGER'S REPORT**. The City Manager shall provide Council general information on their and the City's notable or current activities. The City Manager may solicit and Council may offer direction (as appropriate) during this Agenda Item.

8. **COUNCILOR REPORTS**. The Presiding Officer shall offer each Councilor the opportunity to report on their City-related activities. Councilors should report on both

the substance of and their attendance at any recent City Subcommittee meeting or on any other of their activities relevant to the City's affairs during this Agenda Item.

9. **CONSENT AGENDA**. Items are placed on the Consent Agenda when they are of a routine and non-controversial nature. Before Council approves the Agenda, any Councilor may remove a noticed Consent Agenda item for separate consideration; however, after the Agenda is approved, such removal from the Consent Agenda requires Council-majority approval. ***Note***: Councilors who were absent from a previous meeting should abstain from voting on approval of the Consent Agenda—which typically includes an Item approving the previous meetings' minutes—unless they watched a recording of that meeting prior to voting. ***Examples***: *meeting minutes approval, property surplusage, abatement assessments, cost-of-living adjustments*.

10. **PUBLIC HEARINGS**. Public hearings are governed by Oregon law and follow unique rules depending on the nature of the hearing—most hearing types involve offering the public an opportunity to testify in favor of, in opposition to, or in any way relating to the subject matter of the particular hearing; provided, however, the Presiding Officer may restrict any irrelevant or repetitious testimony offered by the public. The City Attorney shall provide (and the Presiding Officer shall follow) a legally sufficient hearing script with detailed rules and any applicable criteria for all public hearings. Public hearings required by Applicable Law shall have higher priority than other scheduled Agenda Items.

    a. Quasi-Judicial Hearings. Council is the City's final decision-maker on particular questions between particular parties—specifically, Council must apply preexisting criteria to concrete facts and must then make an impartial decision after giving involved parties an opportunity to be heard and present and rebut evidence. Oregon law requires Councilor disqualification from voting on certain quasi-judicial hearings due to impartiality, bias, or ex parte communications, and disqualification requires a two-thirds Council vote. Oregon law also restricts a Councilor's ability to participate in any deliberations or decision regarding certain quasi-judicial matters if that Councilor was absent for the evidentiary portion of the hearing unless the Councilor reviewed all presented evidence and submitted testimony. The City Clerk's Office shall develop and maintain a record and written findings adequate to permit judicial review of Council's quasi-judicial hearing and decision. ***Examples***: *land use appeals, economic improvement or reimbursement district appeals, liquor license appeals*.

    b. Legislative Hearings. Council is the City's policy-maker when it adopts ordinances of broad applicability throughout the City. The Presiding Officer shall allow public testimony on certain proposed ordinances that are subject to legislative hearing requirements by Applicable Law. The City Attorney is responsible for determining whether proposed ordinances require Council to hold a legislative hearing prior to adoption. ***Examples***: *annexations, supplemental budget changes over 10%, establishing new or revising existing truck routes, land use and development ordinance adoption*.

11. **CONTRACT REVIEW BOARD ACTIONS**. Council is the City's Local Contract Review Board (**LCRB**) when it authorizes procurements consistent with the provisions of the City's LCRB Rules. ***Examples***: *awarding procurements having*

contract prices exceeding the City Manager's spending authority, *sole-source determinations*.

12. **ACTION ITEMS**. Council's final decision-making after considering Staff's recommended approvals and authorizations relating to the City's business and not otherwise falling under a more specific Agenda Item. Action Items include:

    a. Other Authorizations. Council approves Staff-proposed action or authorizes the appropriate Staff to enter an agreement exempt from the City's LCRB Rules. ***Examples***: *leases, intergovernmental agreements, pay table adjustments*.

    b. Resolutions. Resolution adoption is the primary manner Council implements its executive power and Resolutions typically address matters of a special or temporary nature to reflect the City's formal and written expression of its position, opinion, or policy. Functionally, Resolutions carry the same municipal force as a Council-majority vote. ***Examples***: *mayoral appointments, forming reimbursement or local improvement districts, annual fee schedule adoption, special assessments for economic development districts*.

    c. Ordinances. Ordinance adoption is the primary manner Council implements its legislative power and is an exclusive function of the Charter and Applicable Law. The City Attorney shall prepare all Ordinances for Council's consideration. If Council makes substantive amendments to a proposed ordinance to such a degree that the publicly noticed version would not reasonably describe the City's ultimately adopted version, Council shall not adopt that proposed ordinance without further consideration of such amendments at a future Council meeting. Council may adopt 3 types of Ordinances:

        (1) *General Ordinances*. General Ordinances are local laws of general applicability equally throughout the City's corporate limits and become effective at least 30 days after adoption. General Ordinances either create new or amend existing provisions of The Dalles Municipal Code.

        (2) *Special Ordinances*. Special Ordinances are local laws of specific applicability to distinct parties, areas of the City, or parcels of land located within the City's corporate limits and become effective at least 30 days after adoption. ***Examples***: *annexations, dedications, vacations, franchises, creating and continuing special reserve funds, authorizing revenue bonds, accepting real property for dedication*.

        (3) *Emergency Ordinances*. Emergency Ordinances are local laws necessary to have immediate effect for the preservation of the peace, health, or safety of the City and are effective upon adoption. Council shall ensure the City Attorney confirms all legal requirements are satisfied prior to Council's adoption of an Emergency Ordinance.

13. **DISCUSSION ITEMS**. Staff presents Agenda Items not requiring or requesting Council's immediate final action (i.e., not an Action Item) but generally requesting Council direction before Staff commits additional resources to a particular matter. While Discussion Items are intended to provide the City an opportunity to explore

and evaluate different approaches to resolving a matter at a future meeting, Council is not strictly prohibited from making a final action during this Agenda Item (as appropriate).

14. **EXECUTIVE SESSION**. Council recesses the open session portion of the meeting to enter executive session, which is a portion of the meeting closed to certain persons other than the Mayor, Councilors, City Manager, City Attorney, City Clerk or designee, designated Staff or consultants, and news media representatives authorized by applicable law. News media representatives intending on attending an executive session must attend in-person and the City will not provide virtual/electronic access to executive sessions for news media representatives unless compelled by Applicable Law as determined by the City Attorney. Council is prohibited from taking any final action in executive session; provided, however, Council may provide Staff direction and even take informal polls in executive session with the understanding official or required Council final decisions and actions are only made when it returns to an open session available for public attendance.

15. **ADJOURNMENT**. The Presiding Officer shall adjourn the meeting; provided, however, a Council-majority may overrule the Presiding Officer's call for adjournment to continue discussing City-related business.

H. Special Agendas. Agendas for special meetings are typically focused on a single or limited number of Items and do not necessarily follow an established ordering of Items; provided, however, the Presiding Officer or a Council-majority may modify the order of any Agenda Items as convenient.

I. Staffing. The City Manager shall attend all meetings unless excused and shall have the right to take part in all Council discussions and may make recommendations to Council, but shall have no vote. The City Attorney shall attend all regular meetings unless excused and shall provide a legal opinion upon Council's request on any matter relating to the City's business. The City Clerk or designee shall attend all meetings to keep minutes and perform such other duties as assigned or needed for the orderly conduct of meetings. Department Managers shall attend all meetings upon the City Manager's direction.

IV. PUBLIC PARTICIPATION

A. Communications to Council.

1. ***Written Communications***. Any person may address the Mayor and/or Councilors in writing by submitting 9 printed copies of the writing to the City Clerk's Office or by email addressed to the Mayor and/or Councilors. Unsolicited written communications to the Mayor and/or Councilors concerning matters not on an Agenda shall be forwarded to the Mayor and/or Council but shall not be included in the Agenda packet; provided, however, the City Manager or a Council-majority may bring any matter raised by an unsolicited communication before Council for its consideration.

2. ***Oral Communications***. Any person may speak on any matter not appearing on the Agenda during a meeting's scheduled public comment section, consistent with **Rule III(G)(6)** (*Public Comment*).

3. ***Private Communications***. The Mayor and Councilors receiving information relevant to the affairs of the City at any time shall timely act to ensure the entire Council is made aware of such information (typically accomplished by contacting and apprising the City Manager or City Attorney, as appropriate).

4. ***Forms***. Any person intending on addressing Council during a meeting shall provide the City Clerk or designee with their name and contact information.

5. ***Remarks to Council as a Whole***. Generally, the public should address Council as a body rather than directing comments towards a particular Councilor; provided, however, the public may ask questions of a Councilor with the Presiding Officer's permission, subject to **Rule III(G)(6)** (*Public Comment*).

B. Public Hearing Testimony. Any person may testify in favor of, in opposition to, or in any other way relating to the subject matter of a noticed public hearing, consistent with **Rule III(G)(10)** (*Public Hearings*); provided, however, the Presiding Officer may take immediate action to stop any member of the public's testimony if it is or becomes disruptive, irrelevant, or repetitious—in such cases, the Presiding Officer shall first warn the testifier of the pending action and offer the testifier the right to explain why their testimony is not so disruptive, irrelevant, or repetitious; if the Presiding Officer or City Attorney then determines the restriction on such testimony is reasonable in light of the purpose served by the hearing, the Presiding Officer may restrict the testifier from further input during that hearing. Any person who testifies must provide their full name, whether they are testifying on their own or on someone else's behalf, and their mailing address, and the record of the meeting must reflect that information for all persons testifying before Council.

C. Public Attendance. Any person intending to appear personally at a meeting must wear at least a shirt, pants, and shoes. The Presiding Officer or City Manager may determine the public health requires attendees at a given meeting to wear protective face-coverings consistent with Applicable Law.

D. Disruptive Conduct.

1. ***Disruption***. Disruptive conduct is conduct actually disturbing or impeding a meeting, and typically includes: speaking without being formally recognized by the Presiding Officer, violations of law, damaging or defacing property, making personal attacks or threats (including the use of threatening language or gestures), subjecting participants to reasonable annoyance or alarm (including creating unreasonable noise), using obscene, vulgar, or discriminatory language, or in any way discouraging anyone else from participating in the meeting. The City shall not consider a person's expressed viewpoint on a matter as the basis for determining whether their conduct is disruptive.

2. ***Removal***. At any time during any meeting, the Presiding Officer may interrupt anyone engaging in disruptive conduct to warn them their conduct qualifies as disruptive pursuant to this Policy. Councilors believing a person's conduct qualifies as disruptive may interrupt any portion of the meeting to ask the Presiding Officer to warn the suspected disrupter. After any such warning, any person who the Presiding Officer or a Council-majority determines is disrupting the meeting may be excluded from the meeting (or muted in a virtual meeting) by order of the Presiding Officer or any City law enforcement officer present if removal is necessary to maintain order, conduct City business efficiently, reasonably allow others to participate, upon that person's commission of a crime subjecting them to arrest or lawful detainment, or otherwise as authorized by Applicable Law.

3. ***Immediate Action***. While the Presiding Officer is strongly encouraged to first warn any disrupter their continued disruptive conduct may result in their removal from a meeting, the City may stop disruptive conduct immediately (i.e., without warning), especially in cases of health and safety concerns or the use of discriminatory language. Council's intent is to minimize all disruptions by addressing them as efficiently and uniformly as possible.

4. ***Formal Recognition***. In all cases, any person (including Councilors) intending to speak during a meeting must be recognized by the Presiding Officer. Once recognized, no person shall be interrupted unless the Presiding Officer, City Attorney, or a Council-majority determines a violation of this Policy or Applicable Law is or would occur but for the interruption.

V. COUNCIL PARTICIPATION

A. Discussions. The Presiding Officer retains the right to manage meeting time but should invite participation by all Councilors and each Councilor is encouraged to participate in all Council discussions. Councilors should review Agenda materials in advance and come to each meeting prepared to make decisions supporting the City's best interests.

B. Councilor Attendance. Councilors are required to attend all meetings in person unless excused by the Presiding Officer or Council-majority. If a Councilor is unable to personally attend a meeting, Councilors may attend the meeting electronically or virtually (upon reasonable notice to the Mayor, City Manager, and City Clerk) if that Councilor determines their physical absence is in the interest of their health or safety or is due to unforeseen or excused circumstances. Any Councilor unable to attend a meeting will inform the Mayor, City Manager, and/or City Clerk at the earliest practicable opportunity. If the Mayor is unable to attend a meeting, they will inform the Presiding Officer, City Manager, and City Clerk at the earliest practicable opportunity.

C. Meeting Decorum.

1. ***Civility***. Councilors are expected to practice decorum and civility in discussions and debate. The Mayor and Councilors are all subject to this Policy's provisions on disruptive conduct listed in **Rule IV(D)** (*Disruptive Conduct*); provided, however, the Mayor and Councilors are only subject to removal from a meeting for their commission of a crime subjecting them to arrest or lawful detainment or otherwise as authorized by Applicable Law. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a democracy in action—those do not allow, however, Councilors to make belligerent, personal, slanderous, threatening, abusive, harmful, or disparaging comments.

2. ***Order***. Councilors may not delay or interrupt Council's orderly proceedings, disturb any Councilor while speaking, or refuse to obey the Presiding Officer's or Council-majority's orders at and connected with a meeting.

3. ***Interruptions***. Councilors should not be interrupted when speaking except on a question of order. If a point of order is raised by another Councilor, the Presiding Officer, City Manager, City Attorney, or City Clerk, the then-speaking Councilor should cease speaking until the question of order is determined. A point of order may legitimately be raised if the provisions of this Policy or Applicable Law appear likely to have been or are imminently about to be broken and if the point must be resolved before the meeting's business can continue. The Presiding Officer or City Attorney will rule on the point.

D. Outside Statements. The Mayor and Councilors shall refrain from disclosing confidential information, publicly expressing an opinion contrary to an official vote or formal position of Council without stating as such, and conducting themselves in a manner so as to bring discredit on the City. When speaking in an official capacity as a City representative before another public body, Subcommittee, community organization, or the news media, the Mayor and Councilors shall only express their personal opinions on a matter if they clarify those statements do not represent the position of Council.

E. Complaints or Questions. When contacted by citizens about a complaint or question relating to the City's affairs, Councilors shall encourage such citizens to contact the City Manager's Office and to put their complaint or question in writing addressed to the Councilor.

VI. COUNCIL RELATIONSHIP WITH STAFF

A. Mutual Respect. Both Council and Staff are expected to base their relationship on mutual respect of their roles and responsibilities during all meetings. Staff shall acknowledge Council as the City's policymaker and Council shall acknowledge Staff as the administrator of such policies.

B. Influence. Unless in a meeting, neither the Mayor nor Council (including any Councilor) shall attempt to coerce or influence Staff in appointments, contract awards, consultant selection, development application processing, granting or denying of City licenses and permits, or any other such administrative functions; provided, however, Council may discuss with, or suggest to, the City Manager anything pertinent to City affairs during a meeting.

C. Interference. Neither the Mayor nor Council (including any Councilor) shall attempt to change or interfere with any City Department's operating rules and practices. Council acknowledges the City Manager as the appropriate authority to designate Staff to conduct the City's (including Council's) business, including handling correspondence, arranging appointments, and making travel arrangements.

D. Mail. Staff shall open any mail addressed to the Mayor or Council as a whole and shall circulate such mail as soon as practicable after receipt; provided, however, Staff shall not open any such mail labeled "personal", "confidential", or any mail addressed to an individual Councilor.

E. Staff Direction. The only Staff the Mayor or Council have the authority to direct are the City Manager, City Attorney, and Municipal Judge. Neither the Mayor nor any Councilor shall direct Staff to initiate any action or prepare any report or project requiring reasonably significant City resources or effort without Council-majority approval.

F. Staff Requests. The Mayor and Council (including any Councilor) may request information from Department Managers directly so long as they also timely inform the City Manager of their request; provided, however, if the request would create or change a work assignment for Staff (excepting the City Attorney), the Mayor or Council (including any Councilor) shall make such request through the City Manager. Staff shall submit to the City Manager all written informational material requested by the Mayor or individual Councilors with a notation indicating which Councilor requested the information (as the case may be), and the City Manager or designee shall forward such information to Council.

VII. COUNCIL SUBCOMMITTEES

A. Subcommittees. The City encourages regular rotation of Councilors assigned to Subcommittees consistent with Applicable Law. Depending on the specific Subcommittee, Councilors may be assigned as voting members or as ex officio non-voting liaison members. The Mayor may request assistance from Councilors when making a recommendation for Council's appointment to any Subcommittee. City Subcommittees include (without limitation):

1. City Budget Committee;
2. Columbia Gateway Urban Renewal Agency Board (and Budget Committee);
3. Columbia Gorge Regional Airport Board;
4. The Dalles Historic Landmarks Commission;
5. Planning Commission;
6. Traffic Safety Commission; and
7. Beautification and Tree Committee.

B. Limited Service. To encourage broad participation, service on any City Subcommittee is limited to specific terms and citizens are prohibited from concurrently serving the City or representing the City's interests on more than one Subcommittee; provided, however, citizens may serve on budget committees without violating that limitation so long as that citizen is not the chairperson for both Subcommittees.

C. Citizen Removal. The Mayor may remove a citizen from any Subcommittee prior to the expiration of the term of office. Reasons for removal include (without limitation): missing 2 consecutive regular meetings; disruptive behavior prior to, during, or after a meeting prohibiting the Subcommittee from completing its business in a timely manner; and not acting in the City's or its citizens' best interests. When the Mayor is satisfied the City's and Subcommittee's best interests would be served with the removal, a citizen may be removed by the following process:

1. The Mayor shall request the citizen to submit a letter of resignation within 10 days from the Mayor's notification to the citizen and containing the reasons for requesting the resignation. The citizen may submit a letter of response within 10 days from the Mayor's notification to the citizen as to why they should remain on the Subcommittee and that letter will be reviewed by Council prior to action on the Mayor's removal request.

2. The Mayor shall request the item be placed on a regular meeting Agenda for Council's consideration of removal of the citizen from the Subcommittee. The City Clerk's Office shall notify the citizen of the Council meeting date when the issue will be discussed.

3. If the Council approves the Mayor's request for removal, the Mayor shall send a letter to the citizen informing them they have been removed from the Subcommittee.

D. Liaison. The City Manager may assign Staff as City administrative liaisons to any Subcommittee to provide support coordination and guidance consistent with Applicable Law. The Mayor shall make appointments of Councilors to ex officio non-voting liaison positions on certain Subcommittees. Councilors appointed to liaison positions are not

members of those Subcommittees but attend their meetings and participate in their discussions to both provide Subcommittees with the Councilor's or Council's perspective on and to keep Council apprised of Subcommittee business. Subcommittees with Council liaisons include The Dalles Historic Landmarks Commission, Traffic Safety Commission, and other Subcommittees pursuant to Applicable Law; provided, however, since land use appeals from the Planning Commission are subject to Council review and Oregon law requires impartial decisionmakers for land use decisions, the Mayor and Councilors shall not serve the Planning Commission in any capacity.

E. Influence. Councilors have the right to attend all Subcommittee meetings but should refrain from any discussion at such meetings unless they are a liaison member to that Subcommittee, especially to avoid the risk of violating the Oregon Public Meetings Law's prohibitions on serial communications; provided, however, Councilors are discouraged from viewing recordings of or attending certain Planning Commission meetings where quasi-judicial or legislative public hearings occur to remain impartial if/when such hearings could be brought before Council. No Councilor shall attempt to lobby or influence Subcommittees (including Subcommittee members) on any item under or potentially under their consideration to avoid prejudicing or hindering the Councilor's role in reviewing their recommendation as a Councilor.

F. Oregon Laws Applicable. Subcommittees and Subcommittee members (as the case may be) are subject to and encouraged to review this Policy's **Rule X** (*Oregon Public Records, Meetings, and Ethics Laws*).

VIII. EVALUATIONS

A. Appointed Evaluations. Council shall regularly evaluate the performance of the City Manager, City Attorney, and Municipal Judge. The Mayor, Councilors, and the City Manager, City Attorney, or Municipal Judge shall determine the evaluation form used for the evaluation.

B. Process. Council shall adopt the standards, criteria, and policy directives used for evaluating the performance of Council-appointees in accordance with Applicable Law. Council may create a Subcommittee for the purpose of providing Council its recommendation on a given evaluation process. Council shall determine when completed evaluations are due and who will collect the relevant documents from evaluators and evaluated Council-appointees. Upon Council's request, the Human Resources Director shall provide Council with copies of each employment agreement and all original employment agreements shall be maintained in the City's official records. Any changes to the employment agreement for any appointed Staff shall be prepared by the City Attorney and be slated for Council's consideration and approval at a regular meeting on the Consent Agenda; provided, however, Council is encouraged to retain contracted conflict counsel for reviewing changes to the City Attorney's employment agreement.

C. Executive Session Default. Council shall hold evaluations for appointed Staff in timely noticed executive sessions if the person whose performance is being reviewed and evaluated does not request an open hearing in accordance with Applicable Law, in which case Council shall conduct the evaluation in open session. During the evaluation, the employee is entitled to a summary of review comments and individual comments by Councilors. The employee retains the option to respond after receiving all comments from Council.

IX. EXPENSES

A. Reimbursements. The Mayor and Council shall follow the same rules and procedures for reimbursement as those which apply to City employees. The Mayor and Councilors are reminded to review the provisions of **Rule X(C)** (*Government Ethics Law*) whenever discussing adoption of new rules and procedures with the potential to implicate the Mayor's or Councilor finances.

B. Stipends. Council may authorize reasonable stipends for the Mayor and Councilors to defray the costs associated with their time commitments and other costs of service consistent with Applicable Law.

C. Conferences and Trainings. The Mayor and Councilors are urged to educate themselves about local government and the City has an interest in an informed governance—to that end, and as funding allows, Councilors are encouraged to attend League of Oregon Cities functions at the City's expense. Requests for the City to pay for the Mayor's or a Councilor's attendance at and expenses from other local government-related conferences, trainings, and meetings shall be approved through the City's budget process or otherwise presented for Council approval.

D. Other Expenditures. Mayoral and Councilor expenditures for expenses other than reimbursements or budgeted items will follow the same rules and procedures which apply to City employees, including Oregon Local Budget Law and LCRB Rules. The Mayor and Councilors are reminded to review the provisions of **Rule X(C)** (*Government Ethics Law*) whenever discussing adoption of new rules and procedures with the potential to implicate the Mayor's or Councilor finances.

X. OREGON PUBLIC RECORDS, PUBLIC MEETINGS, AND ETHICS LAWS

A. Public Records Law. Under the Oregon Public Records Law (ORS 192.311 *et seq.*), a "public record" is broadly defined to include *any writing containing information relating to the conduct of the public's business and prepared, owned, used, or retained by the City (including the Mayor and Councilors) and including (without limitation whatsoever) handwritings, typed materials, emails, text messages, photographs, and recordings*— Oregon courts have determined city councilor notes on or about agendas or any other city business and taken and before, during, or after city council meetings are public records subject to disclosure. Council shall follow the same rules and procedures connected with public records which apply to the City, including the City's Public Records Policy, Oregon Secretary of State administrative rules applicable to records retention, and Oregon Public Records Law. The Mayor and Councilors are responsible for maintaining their own records (including notes taken before, during, or after meetings) and assisting the City Attorney's Office and City Clerk's Office in gathering records in response to a public records request. The Mayor or any Councilors with specific questions related to the City's responsibilities under those authorities are encouraged to contact the City Attorney's Office.

B. Public Meetings Law. Communication between Councilors (regardless of format, such as in-person communication, telephone, text message, email, social media, etc.) may constitute a "meeting" under the Oregon Public Meetings Law if it involves discussion of public business and depending on whether the communication involves a Council-majority or if the communication qualifies as a serial communication. Councilors are accordingly discouraged from discussing public business with each other outside of noticed Council meetings (including Subcommittee meetings), except for briefing sessions duly organized by the Mayor, City Manager, or City Attorney.

C. Government Ethics Law.

1. ***General***. The Mayor and Councilors shall review and abide the requirements of the Oregon Government Ethics Law (ORS 244.010 *et seq.*). Most critically: the liabilities imposed by that law are personal to each public office—put another way, the City does not face liability for a public official's violations of the Oregon Government Ethics Law but the individual themself faces such liability, which is often (but not always) a financial punishment. The Mayor or any Councilors with general questions relating to government ethics or specific questions related to the City's role in its public officials' ethics are encouraged to contact the City Attorney's Office.

2. ***Financial Gain***. The Oregon Government Ethics Law specifically prohibits the use of public office for private financial gain. Councilors shall give public notice of any actual or potential conflicts of interest and the City Clerk shall record all such disclosures in meeting minutes. Councilors shall timely file Statements of Economic Interest with the Oregon Government Ethics Commission.

3. ***Conflicts of Interest***. Councilors shall not participate in any matter where they have or could reasonably have a financial conflict of interest. Under Oregon law, an *actual conflict of interest* is defined as one that would result in the private financial benefit of the Councilor, a relative, client, or business with which the Councilor, a relative, or client is associated. A *potential conflict of interest* is one that could result in private

financial benefit to those named entities. In cases of actual conflicts of interest, and in addition to publicly disclosing that conflict, Councilors must also refrain from participating in deliberations and voting on the issue unless required by Oregon or Applicable Law. Councilors not participating in deliberations and voting because of a conflict of interest shall leave dais after publicly declaring the conflict.

4. ***Beyond Government Ethics Law***. In addition to matters of financial interest, the Mayor and Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council—that general obligation includes the duty to refrain from:

    a. disclosing confidential information or making use of special knowledge or information before it is made available to the general public;

    b. making decisions involving business associates, customers, clients, and competitors;

    c. violations of this Policy;

    d. promoting relatives, clients, or employees for Subcommittees;

    e. requesting preferential treatment for themselves, relatives, associates, clients, coworkers, or friends;

    f. seeking employment of relatives with the City;

    g. actions benefiting special interest groups at the expense of the City as a whole;

    h. expressing an opinion contrary to Council's official position without so stating; and

    i. whether at a meeting or elsewhere during the course of official duties, harassing or discriminating against any Staff, Council or other Councilors, the Mayor, a Subcommittee or Subcommittee members, or the public or members of the public.

XI. VIOLATIONS

A. Enforcement. Council shall enforce this Policy and ensure compliance with Applicable Law. Sanctions for violations of these Rules should be generally geared towards changing problem behaviors rather than punishment and be measured against the severity and frequency of the violations and their impact on the City and/or Council's operations and effectiveness. The Mayor or any Councilors concerned with violations or potential violations of these Rules are encouraged to contact the City Attorney's Office.

B. Discipline. If a Council-majority determines a Councilor violates these Rules or Applicable Law, Council may take action to protect its integrity and discipline the Councilor with a public reprimand and removal from assigned Subcommittees. Council may meet in executive session noticed pursuant to ORS 192.660(2)(b) to consider disciplining a Councilor or to hear complaints or charges brought against a Councilor, unless the Councilor requests an open hearing—in that case, Council shall meet in a duly noticed open session to so deliberate and the Councilor need not be present, has no right to postpone the hearing to permit an attorney to attend, and has no right to a formal hearing unless Applicable Law provides those rights.

XII. MISCELLANEOUS

A. Gifts. Council may authorize (on occasion and as funding allows) City funds be spent to purchase a gift or memento for another government, entity, or person. When gifts are presented to the Mayor or Council, the main gift shall be the City's property and individual gifts to the Mayor or Councilors are for their personal use. While the Oregon Government Ethics Law imposes personal liability on any public official for their violations, the Mayor and Councilors are reminded Oregon law defines "gift" as *something of value given to a public official from any single source who could reasonably be known to have a financial interest in the official actions of that public official for which the official does not pay an equal value*, and Oregon law prohibits any public official to receive any gift or gifts with a total value of more than $50. The Mayor or any Councilors with general questions relating to government ethics (including receiving gifts) are encouraged to contact the City Attorney's Office.

B. Seating. During regular meetings, the Mayor shall be seated in the center of the dais. The City Manager and City Attorney shall be seated on each side of the Mayor. No other seats are designated and there is no specified seating arrangement for special meetings.

C. Severability. Any provision of this Policy deemed illegal or unenforceable is severed from this Policy and the other provisions remain in full force and legal effect.

D. Successors. Within 1 month from the day a successor to the office of the Mayor or any Council position takes office, Council shall require such successor to timely review and agree to the provisions of this Policy. This Policy may be signed in 1 or more counterparts, each of which is an original, and all of which constitute 1 active Policy. All successors must review and sign a copy of this Policy's **Rule XIII** (*Signatures*), which will be maintained with and affixed to the original copy of this Policy in the City Clerk's Office.

XIII. SIGNATURES

ADOPTED BY THE COUNCIL OF THE CITY OF THE DALLES AT ITS SEPTEMBER 9, 2024, REGULAR MEETING PURSUANT TO THE PROVISIONS OF **RESOLUTION NO. 24-021**.

By my signature below, I indicate I have read and agree to abide this ***City Council Rules and Code of Conduct Policy*** and understand the consequences of violating this Policy.

Mayor	Name	Date
Councilor Position #1	Name	Date
Councilor Position #2	Name	Date
Councilor Position #3	Name	Date
Councilor Position #4	Name	Date
Councilor Position #5	Name	Date