



# Oregon Mayors Handbook

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# CHAPTER I: INTRODUCTION

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The Oregon Mayors Association (OMA) was established in 1972 to convene, network, train, and empower mayors.

OMA Values:

- **Respect:** We treat all people, communities, and cultures with dignity and respect.
- **Professionalism:** We respect the importance of the office of mayor and strive to maintain the highest standards of professionalism.
- **Education:** We challenge each other to strive for excellence and to continually learn.
- **Collaboration:** We commit to collaborating with one another, openly discussing differences of opinions and beliefs, with the goal of designing consensus-based solutions.

In 2021 the OMA Board of Directors created the Resource Committee. The purpose of this committee is to assist the board in fulfilling its responsibilities to serve as a resource and point of contact for new Oregon mayors. This handbook is to serve as a reference guide for mayors in Oregon.

As mayor you will wear many different hats. When chairing council meetings and public hearings, or when dealing with the press, you will have to choose your words carefully, deciding when an appropriate time is to be tactful or more direct. The office of mayor requires commitment to service and a willingness to take on sometimes significant challenges for the benefit of the city.

The OMA hopes this publication serves as both a basic primer on the role of a mayor and as a resource with answers to some frequent problems. Use this publication to learn how to get information, assistance, and advice. When your questions are not answered by the text, it will hopefully guide you to either the relevant statutes and publications, or to the people who can best answer questions.

Being an effective leader is not something that just magically happens when you are elected to office. Leadership skills must be learned. Mayors and councilors need to listen to residents of the city, develop goals, and then work effectively with each other to achieve objectives.

# CHAPTER 2: KNOW YOUR FORM OF GOVERNMENT

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Oregon is a home rule state, which gives voters the authority to establish their own form of local government. Cities possess general authority over local matters pursuant to the Oregon Constitution.<sup>1</sup> All 241 cities in Oregon have their own charters. With a charter in place, cities govern through orders, resolutions, and ordinances adopted by a city council or commission. Cities administer policies through hired staff, the leader of which generally is a city manager or city administrator; although, in smaller cities, oftentimes the administration of a city is delegated to a city recorder or an appointed council member. All cities have an elected official with the title of “mayor,” but the authority of the mayor depends upon the form of government. Mayors in mayor-council cities are sometimes referred to as “strong-mayors” because they have considerably more authority than mayors in council-manager cities. The distinction is explained further below.

## Three Forms of Government

A city’s form of government defines its internal organizational structure, relations along its electorate, its legislative body, and its executive officials, and the respective roles of each in the formal decision-making process. The form of government is often said to be less important to the quality of a city’s performance than the personal qualities and abilities of its city officials and employees. Although there are three basic forms of city government, rarely does the organization of a city adhere completely to one form.

### *Council-Manager Form*

Most cities with populations above 2,500 have a council-manager form of government. The council retains the decision-making authority of the city, but the charter creates an office of city manager (or administrator or recorder). The appointed city manager takes charge of the daily supervision of the city’s operations and serves at the pleasure of the council. The council sets policy, and the manager carries it out. This type of form works best when the council exercises its responsibility for policy leadership and respects the manager’s leadership role and

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<sup>1</sup> See generally Or Const, Art XI, § 2; see also Or Const, Art IV, § 1(5).

responsibility for administration. Council-manager charters commonly include specific provisions that prohibit individual councilors from giving orders to city employees or from attempting to influence or coerce the manager with respect to appointments, purchasing, or other matters.

### ***Mayor-Council Form***

Within the mayor-councilor are both the “weak mayor” and “strong mayor” forms of the mayor-council form of government. Under a weak mayor, the elected council is the basic policy making body in the city. The mayor has no formal authority outside the council, and unless, specified by charter, has no veto power over council decisions. Under a strong mayor, the mayor essentially serves as the head administrative manager of the city. While there is no appointed city manager, the mayor may appoint an assistant to oversee the general supervision and control over appointed city officers and employees. Rather than reporting directly to the city council, as may be the case under the council manager form of government, the mayor’s assistant reports directly to the mayor.

### ***Commission Form***

Only the city of Portland has a true commission form of government. Voters directly elect the city’s major department heads who collectively function as a city council. In the November 2022 election Portland voters approved Ballot Measure 26-228 changing their form of government to a modified Mayor-Council by 2026.

## CHAPTER 3: GETTING STARTED

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Congratulations you got elected or appointed to office! The community has given you a vote of confidence and trusts you to act in their best interest. Whether you are elected after years of service to the city or were elected with no prior background in city government, there's still a lot to learn about providing leadership and governing. But remember to take time to enjoy your new role. It should be a fun and rewarding experience.

### Your First Days on the Job

The role of mayor varies from city to city, depending on the form of government. The mayor serves on the council but is generally limited to the role of presiding officer in council meetings and is the city's ceremonial head. In some cities, the mayor only votes to break a tie and in others, the mayor votes along with the rest of the council.

First on the agenda should be a thorough orientation session with city staff. This includes a broad overview of the functions of the city to include finance, public works, public safety, and other departments. Take the time to sit down with the city manager, city recorder/clerk and key department heads to learn about current projects, how the city operates and its financing.

Your orientation should also include a tour of the physical facilities of the city. A firsthand inspection is often the best way to acquaint yourself with the city's operations.

### Review Key Documents

The following is a list of key city documents you will want to review. When meeting with city staff ask them if there are other useful documents you should familiarize yourself with.

- Current budget and capital projects
- Information on key programs and services
- Audit
- Organizational chart
- Development code and other planning documents
- Map showing city and urban growth boundaries, buildings, and facilities
- Mission statement and council goals
- Council rules/meeting procedures
- Council packets from the last 12 months
- Human resource policies and other administrative policies
- Facts about your city:
  - Population
  - Form of government

- Incorporation date
- Number of employees
- Total budget
- List of governmental agencies providing services or impacting your organization
- Calendar of important dates

Don't be afraid to ask questions. You are not expected to know all the answers immediately.

## Legal Restrictions

Your city's adopted ordinances, typically codified as your municipal code, must be followed until the council takes action to amend them. There are also a number of federal and state laws and regulations that govern local governments. If you are unsure of your responsibilities or authority in certain areas, seek clarification from city staff and your city attorney.


## Working with Staff

If your city is fortunate enough to have experienced staff, recognize these individuals as a valuable resource – don't take them for granted or casually replace them.

A good city manager, administrator, and/or recorder can be your lifeline, helping you fulfill legal requirements and ensure the city functions smoothly. Staff with some longevity can offer historical perspectives and help "fill in gaps" for new mayors.

Encourage your staff to attend trainings and keep up with their field. These trainings are well worth the investment and staff can learn from their peers around the state, in turn not reinventing the wheel and share challenges as well as solutions.

Resist the urge to drastically change the organization before you know how it really works. Many of your city's policies have evolved over the years through trial and error. Take time to watch operations and policies in action before overhauling them. Give yourself at least six months to learn the fundamentals of the task you have undertaken.



**DON'T SEEK CHANGE  
SIMPLY TO DO THINGS  
DIFFERENTLY!**

## Public and Private Sector Differences

A word of caution: You may have run for office with the pledge to "run the city more like a business." While there are similarities between the public and private sector there are also some important differences mayors need to be aware of.

**Here are a few of those differences:**

- Much of the city council's work will be done in the public eye. Consequently, things may move slower and take more time. All decisions of council are done in public meetings and most public records are available to anyone.

- City revenues are limited by laws.
- There are more unions in the public sector. Salaries are compared to employees in other cities and it is common for employees to expect an annual cost of living increase.
- Public employees have different constitutional rights and more legal protections. With additional laws governing city actions you can expect more grievances, claims, and litigation.
- Some things you consider just “good business sense” could run afoul of Oregon’s ethics laws.
- Public works projects and contracting often must go through a public bidding process. This takes more time and can cost more.

### **Building a Diverse, Equitable, and Inclusive City**

As the government closest to the people, cities and their leaders should make efforts to foster an inclusive community and city hall. Being the government closest to the people it is important for local governments to reflect the community it serves. This enables the community’s wisdom to make government more effective and responsive to people’s needs, with services more closely matched to the people who make up the community.

Mayors can be change agents and should listen to residents, work to translate community concerns into actionable policy ideas, and then collaborate to find potential solutions. Review policies and practices in place at your city and consider how each might impact every resident of your city. Start community conversations and intentionally include and collaborate with people from all backgrounds.

Every community has underrepresented populations who can be unintentionally left out of policies and practices. Take time to research your city’s historical disparities and then use that information to generate ideas for future improvements – no matter your city’s size and location.

#### **DEI On-Demand Library**

Visit the League of Oregon Cities (LOC) DEI On Demand Library to view several free videos aimed to provide the listener with an opportunity to hear candid conversations among your Oregon peers, with examples of DEI strategies used in communities of all sizes.

The LOC’s DEI Committee is committed to fostering a greater understanding and awareness of diversity, equity, and inclusion matters within the LOC organization and its overall membership. This library helps to honor that commitment.



# Practical Advice

*Helpful pointers from other elected officials.*

## Initial Words of Wisdom

- **Listen.** Listen to everyone and soak it up. After six months in office, you will round out the picture of the complexities of city government and your role.
- **Make people feel heard.** Remember the five behaviors for better listening: clarify, empathy, attending, paraphrasing, and asking open-ended questions.
- **Don't lie.** Don't be afraid to say "I don't know" but make sure to follow up with once you do get the answer. Or direct questions to city staff.
- **Don't make promises you can't deliver!** Remember you are just one piece of the governing body. Most major decisions and actions require approval of the council.
- **Gear your mind to process a tremendous amount of information.**
- **Don't enter office with an unmovable set agenda.** Learn as much as possible before taking on a major program or effort. Don't be strangled by campaign promises that were made without sufficient information.
- **If you come on board as a big critic of the "way things have been done,"** you may be surprised to find how hard the job really is. You'll soon gain a better appreciation for those who came before you.
- **The job can be very complex.** Try to stay focused on the big issues.

## Mayors will want to...

- **Meet with each department head.** Learn all you can and try and spend time with the previous mayor, if feasible.
- **Ask for help when you need it.** Don't be afraid to use outside resources (OMA listserv, LOC, your attorney, a neighboring city).
- **Don't be intimidated by larger cities.** Bigger cities have many of the same problems and may be willing to lend expertise or staff resources.
- **Network with other mayors in your region.** Have monthly lunches with mayors in neighboring cities. They can provide support, new ideas, and give you an opportunity to vent.
- **Find an experienced mentor from another city.**
- **Ask opinions and listen.** Spend time with individuals who have different opinions than yours. Listen, don't argue the points, then rethink your positions.
- **Don't reinvent the wheel.** Someone has probably done it elsewhere. Use the OMA listserv to ask questions of peers. Attend OMA and LOC Workshops and Conferences.

# CHAPTER 4: THE MAYOR'S LEADERSHIP ROLE

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The mayor occupies the highest elective office in municipal government and is expected to provide the leadership necessary to keep the city moving in a proper direction. Effective mayors see themselves not only as leaders staking out policy positions, but also as facilitators of effective teamwork.

The mayor serves as the ceremonial head of the city. As the head of the city, the mayor often has certain responsibilities not found in statute but based on custom or tradition. For instance, the mayor may represent the city before other governmental bodies such as the legislature. The public and media usually regard the mayor as the official spokesperson for the city and its policies.

The mayor serves as the presiding officer at council meetings. Though not a legal requirement, the presiding officer has a responsibility to be impartial and objective in conducting a meeting. To maintain this objectivity, many mayors choose to minimize making or seconding motions to allow other members of council to speak prior to the mayor expressing their opinion.

## Ceremonial Role

The mayor's participation in local events is a never-ending responsibility. On a daily basis mayors are asked to cut ribbons, attend groundbreaking ceremonies, and regularly appear at fairs, parades, and other community events. The mayor issues proclamations, as well as serves as a speaker at professional clubs such as Rotary, Chamber of Commerce, school assemblies, and neighborhood groups.

## Intergovernmental Relations

Mayors may take a lead in representing their cities with neighboring cities, regional organizations, and federal and state government agencies. Mayors must promote a favorable image of their local government and pursue resources that will benefit the community.

## Public Relations and Working with the Media

The media is a mayor's best contact with the public – it informs the community about what is happening and why. Below are 10 best practices to follow when working with the media:

1. **Establish good relationships with the media.** Develop relationships with news agencies and reporters who cover your city before you need them and maintain those relationships by checking in periodically for casual talks in non-breaking news times.

2. **Internally identify who talks to the media.** Meet with all relevant subject matter experts from your city to get their help in crafting your message. This will ensure your message does not contradict the city's message or city policy. Practice how to respond to a variety of questions with the experts in advance of talking to the media.
3. **Inform all stakeholders.** Take the time to inform all city and other governmental stakeholders before a press release is issued or an interview with the media is conducted. City staff might be asked follow-up questions and it's important they have the correct information before they are contacted by the media and/or the public.
4. **Get on the record ASAP.** Social media has resulted in rapidly spreading information. If your city doesn't get the facts out first, it may be seen as trying to hide something, resulting in inaccurate information growing out of control. Whoever speaks first frames the story and owns it.
5. **Never wing it.** Being truthful goes without saying, but there are times when you might be pressured to provide answers you don't have, or you can't share. If you don't know something don't hesitate to say you will get back to the reporter with an answer.
6. **Be professional, but relaxed.** Stay calm and professional, not stiff, and uncooperative. Act natural and be aware that body language, tone, and word choice could send the wrong message. During a tragic or frightening event, it's the mayor's job to calm the public as well as inform them. How you look and move are important. Stand at ease with your arms by your side and move them only to gesture or emphasize a point – but do this in an open armed and inclusive way. Avoid pointing fingers, shifting your feet, or crossing your arms.
7. **Know who you are speaking for, the city or yourself.** If you are speaking on behalf of the city, make sure you are in line with official city positions. If you are speaking for yourself, make it clear your opinion may differ from the city's.
8. **Make it memorable.** Make your story as simple and brief as possible while providing important information and details. Your audience will only recall up to three key facts, which should be repeated to reinforce them. Too much information can overwhelm listeners or readers and the main points can be lost.
9. **Speak to people, not to cameras.** Assume the camera is always on and beware of the "hot mic" left on when you think it is off. Look at the questioner when you reply, not at the camera.
10. **When it's good news, share it.** Social media is ideal for publicizing your story or event, and if it's newsworthy, it may be picked up by the local media. Important community news, humorous stories, or events that tug on the heartstrings are most likely to be covered. Send a news brief, a one-page description with the Who, What, When, Where and an attention-getting headline to your paper's city editor or the TV station's assignment editor.

Mention you have photos and/or video. If you want TV coverage of an event, keep the timing of the news cycle in mind when planning it.

## Working with Residents

It's important to make sure people feel heard and to be an active listener when working with residents. Psychologist Gary W. Lewandowski Jr. has identified five behaviors for better listening:

1. **Clarify.** Don't assume you know what a person has intended when they've expressed themselves, remove all doubt, and ask clarifying questions.
2. **Empathy.** Identify and acknowledge the nuanced feelings involved when someone else is expressing themselves.
3. **Attending.** Attend to your non-verbal signals, it's not just about actually listening, it's about showing the person you are listening.
4. **Paraphrasing.** Recap what the person said to you, in your own words, so you both know what was said was heard.
5. **Open-Ended Questions.** By asking open-ended questions, you show that person that you want to hear more from them.

## Goal Setting

A clear set of goals provides the framework within which nearly all city activities can be accomplished. Goals provide direction, reduce crisis management environments, develop cohesiveness among council members, allow managers and staff to manage their time and activities effectively, and permit periodic evaluation of progress to manage any necessary mid-course corrections.

Without goals, a council cannot distinguish between movement and progress. Individuals and groups can spend tremendous effort and resources performing activities that, in retrospect, were not necessary. Often the reason for this wasted effort is the absence of a clear set of priorities and specific plans for accomplishing them.

Typically, council goals are developed for a one to two-year period. They are a tool for focusing the council's efforts; communicating priority issues to the community; and providing clear direction to city staff. Council goals should be articulated in such a way that they are specific, realistic, outcome-based, within the city's control, and measurable. Once goals have been set and adopted by the council, they can be used as a measure for evaluating staff performance, guiding budget decisions, and managing unanticipated issues that arise during the year.

# CHAPTER 5: HOME RULE AND CITY CHARTERS

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The term “home rule” refers to the extent to which a city may set policy and manage its own affairs without the need to obtain authority from a state legislature, except where preempted. Voters who reside in home rule cities have the authority to establish their own form of local government and empower that government to self-regulate for the protection of the public health, safety, and welfare as well as to license, tax and incur debt. In other words, cities have local control, except for where expressly or impliedly preempted by the state or federal government.

Oregon today is considered a “home rule” state, but this wasn’t always the case. Up until 1906, only the Oregon state legislature had the authority to incorporate a city, adopt a city charter, and define the city’s form of government. In 1906, Oregon voters approved two initiatives to amend Articles XI and IV of the Oregon Constitution. Together, these two amendments granted the authority for cities to incorporate, enact and amend their charters, and pass local laws. Today, all of Oregon’s 241 cities operate under a home rule charter.

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*“The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter; subject to the Constitution and criminal laws of the state of Oregon[.]”*

Oregon Constitution, Article XI, § 2

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## Preemptions: Show me where I can’t

As noted above, however, home rule authority is not without limits. Cities are still subject to the state and federal constitutions and preemptions. Additionally, the state retains primary control over “substantive social, economic, or other regulatory objectives.” There are two types of preemptions.

An **expressed preemption** is when the legislature has unambiguously expressed an intention to preclude local regulation. For example, ORS 323.030 expressly preempts all local cigarette taxes: “The taxes imposed by [state statute] are in lieu of all other state, county or municipal taxes on the sale or use of cigarettes.”

An **implied preemption** occurs when in the absence of expressed intent, compliance with state and local law is impossible. It should be noted that the Oregon courts presume all local criminal laws to be preempted—local laws may not criminalize conduct that state law allows, or permit conduct that state law prohibits.

# CHAPTER 6: JOB OF A COUNCILOR

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The principal job of a city council is to develop policy and legislation – with little to no authority vested in any individual councilor. Individual councilors bring their unique skills and learned experience to the table, but must work with one another to effectuate city policy and legislation. Policymaking often means passing ordinances and/or resolutions.

## Adopting Policy

When deciding on implementing new policies or updating old policies, city councils rely on ideas from many sources, including staff, community groups, advisory boards/committees, the chamber of commerce, and others. It is the council’s job to decide on the merit of each idea and then approve, modify, or reject them. When making decisions, councilors should analyze

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**Ordinance:** *is a local law, prescribing general, uniform, and permanent law.*

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**Resolution:** *a less permanent enactment than an ordinance often dealing with matter of a special or temporary character.*

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community needs, alternative programs, and other available resources. The decisions often take the form of an ordinance or resolution, but it can also be a rule, regulation, formal motion, or order. There are many adopted documents that can also help guide decision making including budgets, the comprehensive plan, and various system master plans.

## So, Who Actually Runs the City?

It is important to recognize that it is not the role of a city councilor to administer city affairs. The council sets policy, but in most cities it is a city manager, administrator, or recorder who actually implements the policies. This means it is not the role of city councilors to supervise city employees or to become involved with the day-to-day operations of a city. This can be a source of conflict between the executive and legislative branches of city government.

## Responding to Constituent Complaints

Residents often contact city councilors when they have a problem, whether it involves a land use matter, code violation, or roadway safety. Don’t hesitate to send them to the appropriate city staff person to help get their problem resolved. Keep in mind city councilors lack authority to take action on administrative matters.

## Relationship with the City Attorney

A city may appoint an attorney to oversee the city's legal affairs. The type of employment arrangement between a city and its attorney can vary. A city may appoint in-house legal counsel in which the attorney serves as a city employee and the city is not billed separately for the attorney's services. In other instances, a city may employ the use of contract counsel in which the city retains the services of an attorney or law firm, and the attorney bills the city for legal services provided. A city may also employ a contract attorney on retainer in which a flat fee is paid for basic defined services. All services provided in addition to the agreed upon basics will typically be billed to the city at an hourly rate. There may be instances where due to the type of litigation, or subject matter of a legal matter, the city may wish to employ outside counsel in addition to the regularly appointed attorney to handle complex matters.

A city attorney, regardless of the employment arrangement, may be called upon to attend all city council meetings, receive and respond to requests for advice from city council and staff, draft and review ordinances and resolutions, prepare and review contracts, and represent the city in litigation. In cities with municipal courts, the city attorney may serve as the municipal prosecutor. The city attorney may not represent individual councilors or staff members. The attorney's client is the city itself, not an individual councilor, the mayor, or city staff. Regardless of the type of legal counsel the city wishes to employ, the city should keep the city attorney apprised of all issues and concerns. Please note that some cities have rules surrounding who, how, and when a member of council can contact the city attorney for legal advice.

## Personnel Management

Most often the city manager is the only city staff member who is supervised by the council. As the city's "CEO," the city manager oversees all city staff, and the council should respect the manager and not overstep and attempt to manage staff who are not under their direct supervision. Regardless of the size of the city or its form of government, communication between the council and city staff must be made with the recognition of two facts:

- The city employee is responsible to their immediate supervisor and cannot take orders from an individual councilor; and
- Each councilor has authority in administrative matters only to the extent delegated by the council as a whole. This delegation is often formally contained in an ordinance or charter provision.

Misunderstandings may arise when a councilor intends only to ask for information. The employee receiving a direct request from a councilor can easily jump to erroneous conclusions or misinterpret the councilor's intent. For example, if a councilor contacts the Public Works Director to report a pothole on their street, as other residents do, the Public Works Director may wrongly assume the councilor is ordering the director to fix the pothole immediately, in violation

of city policy or programmatic funding. The best way for councilors to get information about administrative matters is to make the request during a regular council meeting or to the city manager or administrator.

## Labor Relations

Most public employees are guaranteed the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with their public employer on matters concerning employment relations. Collective bargaining includes the mutual obligation of public employees and their employers to meet at reasonable times and to bargain in good faith.

## Oregon Public Meetings Law (OPML)

Oregon law sets the policy for open decision-making at various levels of government. These laws ensure that the public is aware of the deliberations and decisions of governing bodies, as well as the information that forms the basis of the governing bodies' decisions.<sup>2</sup> The key requirements of the OPML include:

- Conducting meetings that are open to the public—unless an executive session is authorized;
- Giving proper notice of meetings being held within their jurisdiction; and
- Taking minutes or another record of meetings.

Further, the OPML imposes other requirements regarding location, voting, and accessibility to persons with disabilities.

## QUESTION & ANSWER

**Q. What is the role of city council regarding employee discipline, and what input can the council have concerning performance appraisals of employees.**

A. Though the council may be concerned about employee discipline and how certain employees are performing their duties, the council should not be involved in any individual situations. While the council can establish personnel policies and voice their concerns to the city manager, it is the city manager's job to discipline and supervise city employees.

**Q. Is the city manager required to inform city councilors prior to terminating or disciplining a city employee?**

No. Disciplinary and termination decisions should be reviewed with the city attorney and City/County Insurance Services (CIS) prior to acting.

<sup>2</sup> ORS 192.260 establishes Oregon's policy of open decision-making through public meetings.



## CHAPTER 7: LEGISLATIVE ADVOCACY

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Many city officials don't realize just how much influence they have to help make changes at the state level. As mayor you are one of your legislators' constituents, and the experiences and city stories you share can yield positive results. Legislators need to know how the policies they are evaluating will impact communities in their district. Building good relationships and having strong communication with your legislators is key to being a good advocate for your city.

### Effective Advocacy Begins with You:

It is essential that you work with legislators both at home (during the interim) and while they are in the Capitol. Let them know how the issues they are deciding in the Capitol impact your shared constituents. Meet with your legislators regularly and remain in contact with them during the legislative session—become a valuable resource. Make sure that they are invested in what is important to your community and that local government concerns are at the forefront of their agenda. Cities are strong when they speak with a unified voice. Working together, we will ensure that the voice of cities is heard. To support city advocacy efforts and ensure that your community is getting the most out of your efforts:

- ✓ **Read the LOC Bulletin** – sent by e-mail every Friday. The Bulletin provides you with the information you need to most effectively communicate with your legislators about priority issues during session.
- ✓ **Listen in on the Weekly Legislative Report** – join the LOC Executive Director and the LOC's Intergovernmental Relations Department for weekly virtual updates during legislative sessions.
- ✓ **Visit the League's Legislative Web Page Often** – go to the LOC's website at [www.oregocities.org](http://www.oregocities.org) and navigate to "Advocacy" then "Legislative Advocacy." This page has the most up-to-date news and information from the Capitol about issues that impact your community.
- ✓ **Sign up on the Oregon Legislative Site and track bills of interest on the Oregon Legislative Information System portal (OLIS).**
- ✓ **Utilize the League's Bill Tracker System** – on the "Legislative Advocacy" section of the LOC website. The tracker has the latest information on the bills of interest to you.
- ✓ **Check Social Media** – follow the LOC both on Twitter (@OregonCities) and Facebook (@League of Oregon Cities). Check these platforms for legislative updates.
- ✓ **Provide the LOC with Feedback** – send an e-mail, copy LOC on communications with legislators, or call. To advocate for your community most effectively, the LOC needs to hear from you about your interactions with legislators and what is happening in your community.

## Communicating with Elected Officials:

Your entry point for contact with your legislator is through their staff. Whether it's field staff in Oregon for a member of Congress, or the office staff in Salem or D.C., your first impression is critical because staff hold the initial key to access. If you treat them with respect and patience, chances are you will have more success in future contact. Once you get your meeting scheduled you need to make sure you make the most of it. Come prepared and consider the following:

### Do:

- **Arrive on time.**
- **Email materials to staff in advance** if possible, but be sure to bring hard copies of materials to leave, including a business card.
- **Be respectfully tenacious** and do not get discouraged. Lobbying takes time and patience and sometimes you must walk before running.
- **Make the appointment convenient**, such as setting it up at the elected official's office.
- **Ask to meet directly with the elected official.** If they are unable to meet with you, schedule an appointment with the staff handling the issue. This often happens with our congressional delegation. If you meet with staff, be clear that you want them to get back to you with the position of the elected official.
- **Know what you want to say and be brief.** Cover your main points early in the conversation.
- **Leave your name, city, and telephone number.** This will make it easier for staff to get back to you with information on the issue.
- **Ask the elected official for their position on the issue.** If you talk with staff, let them know that you need them to get back to you with the elected official's position.
- **Thank them for their time** and ask if you can provide additional information or be helpful in any way.
- **Follow up your meeting with a brief thank you note**, a concise summary of your position, and additional information if needed.
- **Give feedback to LOC** about what you learned.

## Don't:

- **Bluff.** If you are asked a question that you cannot answer, say that you will get back to them and then follow up in a timely manner. Bluffing won't build a relationship, which is the goal.

## Communicating with Your Constituents

If you aren't communicating with your constituents about your legislative agenda, then who is? You and your legislators have the same constituents. Make sure your residents know how decisions made at the Capitol impact them at home.

- It is your responsibility to tell the public how their legislators are supporting your community. No one else will do it.
- Communicate with your residents through city council meetings, public access TV, social media, and newsletters.
- Use your influence with community groups to make sure they know the full story.

## If You Lobby, You May Need to Report to the Oregon Government Ethics Commission

Public officials who lobby on behalf of the public body they represent, must register as a lobbyist within three business days of exceeding either of the following time and expenditure limits:

- Aggregate of 24 hours spent on lobbying in any calendar quarter.
- Aggregate of more than \$100 spent on lobbying during any calendar quarter.

You are not required to register if you are any of the following:

- News media who directly or indirectly urge legislative action.
- Individuals who receive no payment for lobbying, who limit lobbying to formal testimony before public sessions of committees or state agency public hearings, and who, when testifying, register an appearance in the records of the committees or agencies.
- Legislative officials acting in an official capacity.
- The Governor or any of the other senior level public officials identified in ORS171.735 (5).

## CHAPTER 8: BUDGET BASICS

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A city's adopted budget is one of the most important and informative documents city officials use. This budget is prepared for each fiscal period and serves as a city's financial plan. Cities in Oregon may operate within a fiscal year, beginning on July 1 and concluding the following June 30; or cities may use a biennial budget, covering a 24-month period, beginning July 1 of the first fiscal year and ending on June 30 of the second fiscal year.

The adopted budget is a legal document establishing the authorization for the city to receive and spend money, and limits how much money can be spent for a specific activity or program. The budget presents the estimated costs of expenditures—goods or services the city plans to purchase in the coming fiscal year—and other budget requirements—contingency for unanticipated expenses—that must be planned for but may not actually be spent. The budget also presents the anticipated and actual revenues that will be available to pay for those expenditures.

Preparing a budget allows a city to look at its needs in light of funds available to meet those needs. In Oregon, all local governments must plan a balanced budget, meaning that the resources and requirements are equal. A city cannot plan to purchase more items or services than it has money to pay for them.

### **A City's Budget Process**

#### ***Appoint a Budget Officer***

The budget officer—who is either appointed by the city council or defined in the city charter—prepares the proposed budget in a format that meets the requirements set out in state statutes. The budget officer develops the budget calendar, which maps out all the steps that must be followed for the legal adoption of the city budget. A budget calendar is not required by law but is highly recommended.

#### ***Appoint Electors to the Budget Committee***

The budget committee is an advisory group comprised of the city council and an equal number of appointed members. The appointed members of the budget committee must be electors of the city. Budget committee members are appointed for staggered three-year terms, and cannot be employees, officers, or agents of the city. All members of the budget committee have the same degree of authority and responsibility.

#### ***Budget Officer Prepares a Proposed Budget***

After the budget calendar is set, the budget officer begins to develop the estimates of resources and requirements for the coming fiscal year or biennial cycle.

Every city budget will have at least one fund—the general fund—which accounts for daily operations. In practice, a city budget will have a number of funds, each designed to account for a specific purpose. A budget should include enough different types of funds to clearly show what services and programs a local government is providing and how it is paying for expenditures. However, it is advisable not to have too many funds, as this makes the budget harder to read and understand.

There are seven types of funds used in most city budgets:

1. **General Fund** – records expenditures needed to run the daily operations of the local government.
2. **Special Revenue Fund** – accounts for money that must be used for a specific purpose.
3. **Capital Project Fund** – records the money and expenditures used to build or acquire capital facilities, such as land, buildings or infrastructure.
4. **Debt Service Fund** – records the repayment of general obligation and revenue bonds and other financing obligations.
5. **Trust and Agency Fund** – accounts for money that is held in trust for a specific purpose as defined in a trust agreement or when the government is acting as a custodian for the benefit of a group.
6. **Reserve Fund** – functions as a savings account to pay for any service, project, property, or equipment that the city can legally perform or acquire in the future.
7. **Enterprise Fund** – records the resources and expenditures of acquiring, operating, and maintaining a self-supporting facility or service—such as a city water or wastewater utility.

Oregon budget law requires a city’s budget to provide an annual financial history of each fund. The financial history must include:

- The actual revenues and expenditures for the prior two years;
- The budgeted revenues and expenditures for the current year;
- The estimated balanced budget, as proposed by the budget officer, for the coming year which includes columns for the budget approved by the budget committee; and
- The final budget adopted by the governing body.

The budget also includes a column for the descriptions of expenditures and resources.

## Public Notice of the Budget Meeting

The budget committee must hold at least one public meeting for the purpose of receiving the budget message and the budget document, and to provide the public with an opportunity to ask questions about and comment on the budget.

The city must give public notice for the budget meeting(s) either by: (1) printing notice two times in a newspaper of general circulation; or (2) once in the newspaper and posting it on the city's website. If the budget committee does not invite the public to comment during the first meeting, the committee must provide the opportunity for public comment in at least one subsequent meeting. The notice of the meeting(s) must tell the public at which meeting comments and questions will be taken.

## Budget Committee Meets

The budget message is prepared in writing so it can become part of the budget committee's records. It is delivered at the first meeting of the budget committee by the budget officer, the chief executive officer, or the governing body chair.

A quorum—more than one-half of the committee's membership—must be present for a budget committee to conduct an official meeting. Any action taken by the committee first requires the affirmative vote of the majority of the membership.

## Budget Committee Approves the Budget

One of the budget committee's most important functions is to listen to comments and questions from interested citizens and consider their input while deliberating on the budget. The budget committee can revise the proposed budget to reflect changes it wants to make in the city's fiscal policy, provided that the revisions still produce a balanced budget.

When the committee is satisfied, it approves the budget. When approving the budget, the budget committee must also approve a property tax rate or the tax amounts that will be submitted to the county assessor. The budget committee should make a motion to approve the property tax so that the action is documented in the committee meeting minutes. Upon approval of the budget by the budget committee, the budget officer completes the budget column labeled "approved by budget committee," noting any changes from the original proposed budget.

## The Budget Message

The budget message gives the public and the budget committee information that will help them understand the proposed budget. It is required by statute to contain:

- A brief description of the financial policies reflected in the proposed budget and in connection with the financial policies.
- An explanation of the important features of the budget.
- An overview of any proposed changes from the prior year's budget.
- A description of any major changes in financial policies.

Any action by the budget committee requires approval by a majority of the entire committee. For example, if the budget committee has 10 members, six are present at a meeting (a quorum), but only five of the six present agree with a motion to approve the proposed budget, then the motion does not pass. It is up to the budget committee to negotiate a budget and tax that is acceptable to a majority of its members.

### **Budget Summary and Notice of Budget Hearing are Published**

A summary of the approved budget, which includes a narrative description of prominent changes to the budget from year to year, is published in the local newspaper with the notice of a public hearing to adopt the budget five (5) to thirty (30) days before the budget hearing date.

### **Hold Budget Hearing**

The city council must conduct a budget hearing by June 30 to receive the budget committee's approved budget, conduct deliberations, and consider any additional public comments. The council can make any adjustments it deems necessary (with some restrictions) to the approved budget before it is adopted by June 30. The budget hearing and the resolutions or ordinances necessary to adopt the budget and impose taxes can be conducted at the same public meeting.

### **Adopt Budget, Make Appropriations, Impose Taxes, Categorize Taxes**

The city council may adopt the budget at any time after the budget hearing so long as it is adopted by June 30. It is not a requirement that the budget be adopted at the hearing.

To adopt the budget, the city council enacts a resolution or ordinance which provides the legal authority to:

- Establish or dissolve funds;
- Make appropriations for expenditures;
- Adopt a budget; impose and categorize taxes; and

### **Budget do's and don'ts**

#### **Do:**

- Find good basic training. LOC offers Budgeting 101 annually.
- Evaluate materials and data carefully.
- Show your appreciation for staff and respect their experience.
- Explore creative ways to meet your city's needs.

#### **Don't:**

- Expect to be an instant expert.
- Drown in details.
- Criticize previous budgets until you know all the facts and can correctly interpret them.
- Try to immediately change traditional budget practices.

- Perform all other legal actions pertaining to budgeting and authorizing tax levies.

All enacted statements can be combined into one resolution (or ordinance), which must be signed by the mayor before submission to the county assessor's office.

### **Certify Taxes**

Any property taxes must be certified to the county assessor annually, even if the city adopts a biennium budget. By July 15 of each year, a city must submit two copies of the resolution (or ordinance) to the county tax assessor. In addition, the notice of property tax certification (form LB-50) and successful ballot measures for local option taxes or permanent rate limits must be submitted.

In addition to the county tax assessor's copies, a copy of the resolutions required to receive shared revenue must be submitted to the Oregon Department of Administrative Services by July 31. Finally, a copy of the published adopted budget document, including the publication and tax certification forms, must be submitted to the county clerk's office by September 30.

### **Post-Adoption Budget Changes**

While it is possible for changes to be made to an adopted budget once the fiscal year begins, this can only happen under specific circumstances. Two such examples are council-approved resolution transfers of funds, and supplemental budgets that make changes to adopted expenditure appropriations and estimated resources. These are actions that must be taken before more money is spent beyond what is appropriated in the adopted budget. Any changes made to the adopted budget require that the budget remain in balance after the change.

## **ONLINE RESOURCES**

Oregon Department of Revenue Resources are available online at [oregon.gov/dor](http://oregon.gov/dor) under property taxes and local budget law.

### **Local Budgeting Manual**

An introduction to the requirements of Local Budget Law, including information on biennial budgets.

### **Local Budgeting in Oregon**

A supplement to the Local Budgeting Manual, covering the requirements of Oregon's Local Budget Law.

### **Local Budget Law Webpage**

A webpage dedicated to helping local governments prepare and adopt their budgets. The page contains forms, glossary of terms, sample budgets and information on free training sessions.

### **LOC Public Budgeting 101**

Part of the LOC's On-Demand Trainings in this recording the speaker provides attendees with a high-level understand of the budgeting process, roles and responsibilities, and information on Oregon Budget Law.



# CHAPTER 9: RESOLVING AND PREVENTING MAYOR-COUNCIL CONFLICT

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It is essential that mayors and city councilors understand their roles and how they relate to each other and staff. Many conflicts in city government happen due to role confusion, resulting in overstepping the boundaries between the respective roles.

## The Role of Mayors

The mayor is generally recognized as the civic leader in the eyes of the community. Unlike city councilors who are elected, the mayor may be either elected by the people or appointed by the council from among its own members. Many cities have two-year terms for the mayor, even though the councilors serve for four years.

The mayor is the presiding officer and calls city council meetings to order; announces the order of business as provided in the agenda; states motions; puts them to a vote; announces the result of the vote; prevents irrelevant or frivolous debate or discussion; maintains order and decorum; and otherwise enforces the council's rules and appropriate parliamentary procedures. In addition to the general policy role of a council member, in most cities, the mayor also signs all ordinances and their records of proceedings approved by the council, and in small cities, they may sign all orders to disburse funds.

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*"If everyone is moving forward together, than success takes care of itself."*

*-Henry Ford*

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Generally, the mayor, with consent of the council, may appoint members of commissions, boards, and committees established by ordinance or resolution. Within cities who adopt a weak mayor form of government, the mayor does not appoint administrative personnel, has no special administrative responsibility, and has no power to veto ordinances adopted by the council. However, depending on charter provisions, the mayor may appoint certain staff members, such as the city manager, city attorney, and chief of police, subject to council approval. Within cities which adopt a strong mayor form of government, the mayor is the chief executive of the city. In addition to being the ceremonial head of the city and presiding at council meetings, the mayor has the power to appoint all or most administrative personnel of the city and has the general responsibility for proper administration of city affairs.

As with other members of the city council, the mayor may serve as a liaison on local, state, and federal boards. Similar to other city councilor liaison roles, the mayor will not have authority to commit the city to any course of action, but may make recommendations to the rest of the council regarding proposed actions.

## The Role of Elected City Councilors/Commissioners

Oregon cities have councils of fewer than 10<sup>3</sup> members, although there is variation in council size – from five to nine members. Most councilor terms are four years, but a few cities have two-year terms. A few city charters provide a limit for the number of terms that one individual may serve as a councilor.

City councils and commissions usually have major responsibilities in both their policy and administrative roles. Understanding these responsibilities will increase the ability of the council, councilors, and staff to get their job done. Two primary functions of city councils are policy and administration. Councils also have limited quasi-judicial powers. Policy is the process of deciding what is to be done, while administration is the process of implementing the policy. Quasi-judicial powers allow the council to act like a court of law.

The city council clearly has the dominant voice in policy matters, but this responsibility is shared with the city administrator, other city employees, and private citizens. The unique role of the council in the policy-making process is to serve as the decision maker within city government in resolving issues of policy. Although the administrator and city employees may be involved in policy formulation, only the council may pass an ordinance or adopt a comprehensive plan. In addition, the budget is a major vehicle for making city policy decisions – and only the council may adopt the budget.

For the council to be successful in bringing issues forward for discussion and in setting policy, each councilor must have a clear understanding of the policy process and the stages at which council intervention is most effective. The policy process may be viewed as a series of steps or phases: 1) identification of problems and needs; 2) establishment of community goals; 3) determination of objectives; 4) development of analysis of alternative means for achieving objectives; 5) establishment of priorities; 6) development of programs; 7) implementation of programs; 8) monitoring and evaluation of programs; and 9) feedback.

These steps usually do not occur as separate actions or decisions, but they may occur more or less in sequence, as in the adoption and periodic review of the comprehensive plan, a capital improvement plan, or an annual budget.

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<sup>3</sup> Beginning in 2026 the city of Portland will have 12 commissioners under their modified Mayor-Council form of government.

Councilors may be involved in each of these steps, but their most important contributions are likely to be in identifying needs, establishing goals and objectives, choosing among alternatives, setting priorities, and providing feedback.

Once policies are established, they must be implemented through administration. Administrative actions are generally those types of decisions that are internal and relate to city operations. These decisions normally implement requirements of city ordinances and state statutes and deal with matters that are special or temporary.

There are several ways in which city councils can, and do, influence city administration. The most common actions taken by a council that affect administration are the passage of resolutions and motions, special investigations, approval of appointments, public hearings, the budget process, legislative audits, review of administrative rules, and agency reporting requirements. Resolutions are generally written and deal with matters of temporary importance. A motion is similar to a resolution, except that motions are generally not presented to the council in writing. It should be noted that motions are not limited to administrative decisions and may often be a mechanism by which a council will adopt an ordinance or other decision. Through these actions, the council exercises significant control over administration, even if the day-to-day administration of the city business is conducted separately from the council.

The extent in which the city council is involved in administration depends on the size of the city and its form of government. The council is collectively responsible for the oversight of administration in most cities, but the roles that individual city councilors play in city administration vary considerably, depending on the size of the city and its form of government. Some small cities have no full-time employees and as a result, councilors for those cities may be deeply involved in administration. Often small cities rely upon part-time employees or contracted professional services to assist with various issues and volunteers. Somewhat larger cities have full-time employees. Even so, councilors may still perform

## *COUNCIL CONDUCT IN PUBLIC MEETINGS*

- **Use formal titles.** It is preferred the councilors refer to one another formally during public meetings as Mayor or Councilor followed by the individual's last name.
- **Practice civility and decorum in discussions and debate.**
- **Honor the role of the chair in maintaining order.** Councilors should honor the efforts by the chair to focus discussion on current agenda items.
- **Demonstrate effective problem-solving approaches.** City councilors have a public stage to show how leaders with disparate points of view can find common ground and understanding, negotiating solutions that benefit the community as a whole.

administrative functions or oversee projects, usually through council committees. As cities grow and the complexity of their operations increase, councils often employ a city manager or a city administrator. Councils in these cities seldom retain any significant involvement in day-to-day supervision of city employees and departments, although the extent to which they may seek to exercise supervision may vary depending on the size of the city, the abilities of the councilors, and language in the city's charter.

### ***Quasi-Judicial Power***

In some instances, the council will sit much like a court of law to hear a matter and make a decision that affects a person's rights. These "quasi-judicial" decisions always involve a specific set of rules or policies that will be applied to a specific situation in which the council must make a decision. Typical quasi-judicial decisions include land use applications and appeals of licensing decisions. A person affected by a quasi-judicial decision has certain rights such as the right to be informed of the decision, a right to address the decision maker at a hearing before the decision is made, and a right to an impartial decision maker.

### ***Decision Making***

City council action is taken by vote and that action is typically referred to as a decision. A decision may be made with respect to formal documents such as ordinances, resolutions, orders, and contracts. A decision may also be made to direct city staff to take certain action or made on a question of motion before the council.

Councils adopt laws in the form of ordinances. Ideally, councils have adopted rules that help implement the ordinance process and provide for an orderly discussion. For example, charters will often require, subject to some exceptions, that an ordinance be "read" by the council at two meetings. By comparison, the council rules will state when those meetings are to occur, whether the council will get copies of the ordinance in advance, and whether the public may speak on the proposed ordinance.

The city charter specifies the quorum and voting requirements for a decision. A quorum is the minimum number of councilors required to be in attendance to transact business and is usually the majority of the council. City charters may impose different voting requirements for certain actions. For example, a city charter may require approval of two-thirds of the members for passage of ordinances with emergency clauses, or unanimous approval for a combined first and second reading of a non-emergency ordinance.

## ***COUNCIL CONDUCT IN PRIVATE ENCOUNTERS***

- Continue respectful behavior in private.
- Treat written notes, voicemail messages, and emails as potentially public communication.
- Remember even private conversations can have a public presence.

The council's authority to adopt law cannot be delegated to anyone else within city government. However, under the Oregon Constitution, the people have reserved unto themselves the power of initiative and referendum. An initiative is when the voters gather enough signatures to put a law on the ballot for a vote. A referendum is when the voters gather enough signatures to put a law that the council has already adopted on the ballot. A referendum is different from a referral. A referral is when the council elects to send a matter to the ballot for a vote, rather than exercising its authority to adopt the law.

Councilors serve as liaisons on local, state, or even federal boards. They may also serve on commissions or committees, such as the chamber of commerce, economic development groups, selected interest groups (such as the League of Oregon Cities or National League of Cities), and civic groups. The councilor will not have the authority to commit the city to any course of action, but can make recommendations to the council regarding proposed actions. A councilor may also serve on an intergovernmental body, such as a council of governments, joint city/county board or commission, or any other entity created by intergovernmental agreement. The type of body may have its own independent policy-making and administrative authority. Appointment to these kinds of bodies is usually made by the mayor with council approval, but individual councilor appointees may receive more direction from the council to guide their actions on behalf of the city.

## The Role of City Staff

### City Manager

Most Oregon cities have a council-manager form of government. In this form, the city council appoints a qualified professional person as city manager or administrator to take charge of the daily supervision of city affairs. The manager or administrator serves at the pleasure of the council. In theory, the city council sets policy, and the city manager carries it out. However, managers may take part in the policy-making process when they make recommendations to the council, and many city charters require them to do so.

## COUNCIL CONDUCT WITH CITY STAFF

- **Treat all staff as professionals.** Clear, honest communication that respects the abilities, experience, and dignity of everyone is expected. Poor behavior towards staff is not acceptable.
- **Direct staff issues and assignments to the city manager.**
- **Never publicly criticize an individual employee.** Comments about staff should be directed to the city manager through private correspondence.
- **Allow staff to handle administrative functions.**
- **Check with staff on correspondence before taking action.**
- **Limit requests for staff support.**
- **Do not solicit political support from staff.**

Managers also set policy when they make decisions on specific matters that are not clearly covered by existing ordinances or regulations.

The position of city manager is typically set out in the city charter and includes specific provisions that prohibit individual councilors from giving orders to city employees or from attempting to influence or coerce the manager with respect to appointments, purchasing, or other matters. However, charters do not prohibit the council from discussing administrative matters with the manager in open meetings.

Many small cities have established a position of the city administrator instead of a city manager position. This is typically accomplished by ordinance rather than by charter, and occasionally a city sets up such a position merely by budgeting for it. The duties and responsibilities of city administrators vary. In some cities, they are indistinguishable from those of a city manager. In others, the administrator may share administrative duties with the council or its committees, including hiring and firing department heads.

### ***City Recorder***

The city recorder plays a number of invaluable roles within the city and in smaller cities even serve as the administrator/manager. While the primary responsibility of the city recorder is to serve as the city's records custodian and elections officer, city recorders also provide routine and complex administrative support to the council, city manager, and department heads. The city recorder's roles are typically outlined in the city charter, and usually include the duty to serve as the city council clerk. Under this role, the recorder prepares meeting agendas, meeting notices, and is responsible for keeping accurate council meeting minutes. As the city's records custodian, the recorder serves as a liaison with the secretary of state's archivist to ensure that the city's records are being maintained in accordance with record retention laws. The recorder also responds to public records requests, performs record certifications, and maintains city records. As the elections officer, the recorder processes petitions, prepares required notices and forms for the city, county clerk, and the public, and arranges for the placement of measures on the ballot. In the recorder's role as administrative support, the recorder may be asked to draft correspondence, coordinate events, and administer oaths of office to public officials.

### ***Public Safety Officials***

As part of the city's responsibility to provide for the safety of its citizens, cities may either employ or contract for police and fire protection services. Many small cities rely upon the Sheriff for law enforcement services, and in many areas of the state, fire protection services are provided by fire districts or volunteer fire departments.

# CHAPTER 10: COUNCIL MEETING MANAGEMENT

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The mayor, as presiding officer, holds the key to an effective council meeting that runs smoothly and produces results. They not only participate in the meeting but also manage the process, the agenda items, and the people involved.

In Oregon, many city charters require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made and how council members are to interact with city employees. Although those charters direct the council to create rules, the charters don't provide substance or guidance on how to do so.

Establishing rules of procedure for council meetings has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council and residents to debate matters of public concern in a courteous and respectful manner that lessens the likelihood of discontent and friction. Third, rules provide guidance to council members on how they are to interact and engage with city employees and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

## Parliamentary Procedure

Parliamentary procedure is the set of rules or customs that regulates the procedure of legislative bodies. It governs how councilors make, amend, approve, or defeat motions. A mayor doesn't need to be a certified parliamentarian to effectively use the basic rules of procedure. Observing parliamentary procedures makes council meetings more efficient and reduces the chances of council actions being challenged for procedural issues. (See Appendix D for a quick summary of parliamentary procedure).

## The Role of the Presiding Officer

As the presiding officer, the duties of the mayor are to:

- Open the meeting on time and call the meeting to order.
- Review the agenda in the order the agenda items will be heard so everyone is on the same page.
- Recognize members for motions and statements and allow audience participation at the appropriate times.
- State and vote on all necessary items.

- Enforce council rules and procedures, make sure speakers limit their remarks to the item being considered.
- Treat everyone equally, ensure everyone is allotted the same amount of time for public testimony.
- Before adjourning the meeting, the mayor should communicate the next steps so the council, staff, and the public know what is expected and staff can manage expectations.
- Declare the meeting adjourned.
- After the meeting make sure to follow up with the public or staff if they need further clarification.

## **Oregon Public Meetings Law**

The mayor should become familiar with legal meeting requirements imposed by state law. For more information about OPML please refer to [Chapter 9 of the Oregon Municipal Handbook](#) or refer to the [Oregon Attorney General's Manual on Public Records and Public Meetings](#).

## **Motions**

Business is brought before the council by motions, which are formal procedures for taking action. To make a motion, a councilor must first be recognized by the presiding officer. After the member makes a motion, it needs to be seconded, the chair should then restate the motion and then call for discussion. After the discussion concludes a call for the vote can be made. The mayor's ability to vote on and veto motions varies, according to the city's form of government and council rules and procedures.

## **Balancing Mayoral Duties and Meeting Participation**

The mayor must balance the benefits for efficient meetings with the importance of involving all members in the meeting. To be effective, the mayor needs to support councilors and build trust by showing evenhandedness and fairness to all participants. Trust also requires that the mayor not use powers of the chair unfairly to win a point or argument.

In addition to maintaining order and decorum at council meetings, the mayor must ensure that all motions are properly dealt with when they are made. A simple majority vote is all that is required to overrule the mayor's decision on procedural issues.

In some cities the mayor is allowed to vote, in other cases the mayor is only allowed to vote when there is a tie. The mayor may wish to join the council in its discussion and deliberations. When mayors choose to participate, they have two competing goals: 1) as moderator, to make sure the group achieves its goal; and 2) as an elected official, to both participate in the debate and help determine policies. Participation requires a balancing act between the moderator role



and active engagement in debate. When the mayor decides to participate, they should exercise restraint. Overly forceful participation can hurt council discussion and can result with members deferring to the mayor's comments.

## Council Meeting Agendas

Your council rules will guide you on who sets the agenda and the format or order of business. At the start of a regular council meeting, a council can typically, by motion, change the agenda, order of business, and/or add a new item of business. The agenda is one of the most crucial tools for orderly meetings and needs to be well-organized and well-prepared. The agenda ensures councilors will receive adequate information in advance on items for consideration.

The OPML requires public attendance, it doesn't require public participation. Generally, meetings of a governing body are open to the public unless provided by law. Yet while the law guarantees the right of public attendance, the law does not guarantee the right of public participation. However, most cities do allow for public comment during their regular city council meetings. The mayor must remember to apply the rules of public comment, such as testimony length consistently for all individuals. OPML requires that notice be provided of the time and place of public meetings, including regular, special and emergency meetings.<sup>4</sup> For regular meetings, notice must be reasonably calculated to provide actual notice to the persons and the media that have stated in writing that they wish to be notified of every meeting. Special notice requirements apply to executive sessions.

For additional information on public notice requirements, visit the LOC Reference Library to read a FAQ on Notice Requirements for Public Meetings.

Items on the agenda should be prioritized and organized as efficiently as possible, allocating enough time for major issues and minimizing time spent on noncontroversial issues.

## Executive Sessions

Governing bodies are permitted to meet in executive (closed) sessions in certain circumstances.<sup>5</sup> An "executive session" is defined as "any meeting or part of a meeting of a

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<sup>4</sup> ORS 192.640 provides for both regular and executive session notice requirements.

<sup>5</sup> ORS 192.660

governing body which is closed to certain persons for deliberation on certain matters.”<sup>6</sup> Executive sessions are not exempt from the OPML. An executive session is a type of public meeting and must conform to all applicable provisions of the OPML. Importantly, the authority to go into executive session does not relieve a governing body of its duty to comply with other requirements of the OPML.

A governing body may only hold an executive session in certain circumstances set forth in ORS 192.660. These permissible purposes include:

- Employment of public officers, employees and agents;
- Discipline of public officers and employees;
- Performance evaluations of public officers and employees;
- Labor negotiation consultations;
- Real property transactions;
- Discussion of public records exempt from disclosure; and
- Discussions with legal counsel.

The OPML provides: “No executive session may be held for the purpose of taking any final action or making any final decision.”<sup>7</sup> Although a governing body may reach a final consensus in an executive session, the purpose of the final-decision prohibition is to allow the public to know of the result of any such consensus. A formal vote in a public session satisfies the requirement, even if the vote merely confirms the consensus reached in executive session.

### **Streamlining Council Meetings**

Even the best planned meetings can deteriorate and become endurance contests. These are not the most productive meetings, because people don’t make the best decisions when they are tired, and the meeting runs into the early morning hours. Below are some tips on things you can do to try and “shorten” meetings.

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<sup>6</sup> ORS 192.192(2)

<sup>7</sup> ORS 192.660(6)

## ***Regulating Talk***

Too much talking is the most common cause of lengthy meetings. Mayors should make sure they enforce the time limit set in your council rules regarding public comment. Cities can also try to include an approximate starting time for each agenda item. This information may be useful to city residents attending the meeting. If the problem is created by a talkative councilor, a simple statement such as “it’s getting late and we must move along” usually will work, though a private conversation later may be needed to handle chronic talkers.

## ***Shorten the Agenda***

An important consideration in making the agenda manageable is to keep it short as possible. The council agenda is the place for formal actions on the part of the governing body. In general, every regular meeting agenda item should include a staff recommendation with a recommended motion. Items that are solely for the information and advice of the council could be placed on a work session agenda.

## ***“Consent” Agenda***

The consent agenda helps streamline council meetings. Routine, noncontroversial items are listed collectively on the agenda and are passed with a single motion and vote. Commonly, there is no debate allowed on the consent agenda or on any item included in it. Any councilor can have an item pulled from the consent agenda for deliberation and consideration. If this happens, the remaining items on the consent agenda can be voted on, omitting the challenged items.

Setting up a consent agenda system may require preliminary action by the council in the form of adopting an ordinance, resolution, or amending the council rules.

## ***Council Work Sessions***

Informal council work sessions may be needed to study certain matters in detail. Work sessions are useful when major policy questions must be decided, or when a complicated ordinance comes before the council. These meetings are still open to the public and need to be noticed in accordance with OPML, but typically public participation is not provided in this meeting format.

## ***Utilization of Boards and Commissions***

Consider using standing and ad/hoc committees to study issues and bring formal recommendations to the city council for their consideration.

## ***Do your Homework***

It is important that all councilors read their packet before the meeting. If you have questions, ask staff so they can do additional research prior to the meeting.

## Voting

### *Quorum*

By law, a meeting cannot take place without a “quorum” of the governing body. The term “quorum” is not defined in the OPLM. For cities, quorum requirements often are set by charter, council rules, or ordinance. If your city doesn’t have a definition, the general definition of “quorum” under state law is a majority of the governing body.

### *Accessibility*

In three main ways, the OPML requires accessibility for persons with disabilities. First, meetings must be held in places accessible to individuals with mobility and other impairments. Second, the public body must make a “good-faith effort” to provide an interpreter at the request of deaf or hard-of-hearing persons. Third, due to the coronavirus pandemic, the government—state and local—were forced to adapt to virtual public meetings to meet the strict standards of allowing public access to the elected official and public policy decision-making process. The Oregon Legislature passed House Bill 2560 in the 2021 session, requiring those remote options to continue. This amendment became effective January 1, 2022 and requires government agencies, whenever possible, to allow the public and council members to remotely attend public meetings — through telephone, video or other electronic means — as well as give the public the ability to testify remotely.

# CHAPTER 11: COMMUNITY PARTICIPATION AT COUNCIL MEETINGS

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Although OPLM does not require governments to allow public participation, it is often required by other state laws or local ordinances. For example, state law requires a city to hold a public hearing before adopting its budget. State law also requires city councils to hold public hearings when making certain land use decisions. In addition, many cities have adopted rules of procedure for their city council meetings that allow the public to speak on certain matters of public concern at a council meeting.

Even though it isn't required by state law, most cities do allow for public comment. The public comment period on the agenda allows residents the opportunity to address the city council on any subject not just items on the agenda. Councils will often put the public comment period toward the beginning of the agenda, so residents can address the council early and not have to stay for the entire meeting. Your council rules will describe where your city allows for public comment. Consider using a sign-up sheet where residents can indicate when and what they would like to speak on. This list will be given to the mayor to call on the public at the appropriate time on the agenda.

## **Time, Place, and Manner Restrictions**

Under the both federal and state constitutions, it is clear that city councils may impose content neutral time, place and manner restrictions. Time, place and manner restrictions are simply that: a rule regulating the specific time in which a person may speak, the location from which a person can speak, and the manner in which the speech can be made. For example, a city council may choose to limit public comment to certain points in a proceeding and (subject to any state law) limit the amount of time a person may speak. For example, a rule that “the public may provide testimony only during that time noted as ‘Public Comment’ on the agenda, with said testimony being provided from the designated podium, and shall be limited to no more than three minutes per speaker” has been upheld by the Oregon Court of Appeals and the Ninth Circuit Court of Appeals.

It is good practice to not allow a verbal exchange between residents and the council. Public comment should be reserved for individuals to voice their concerns or opinions, but debate between the public and council is not a productive use of time.

## **Managing Controversial Issues During a Public Meeting**

At some point as a mayor, you will find yourself in a situation involving conflict and public hostility. It's important the mayor sets the stage by explaining the issue and the possible outcomes. Ensure public decorum is followed by using your gavel to restore order. If needed, consider

calling for a recess for people to cool down. If the disruption continues after a recess the city council can consider adjourning the meeting for a later date or reconvening in a virtual format.

Disruptive people can be removed from public meetings (public officials often refer to this removal as “trespassing”). However, the person must actually be disrupting the meeting. The Ninth Circuit has specifically stated, “Actual disruption means actual disruption. It does not mean constructive disruption, technical disruption, virtual disruption, nunc pro tunc disruption, or imaginary disruption.”<sup>8</sup> A nunc pro tunc disruption is one where the speech could cause a disruption after the fact.

To that end, individuals who refuse to sit down when their allotted speaking time has ended can be removed from the public meeting. Persons who interrupt a meeting’s proceeding by repeatedly shouting out and yelling can also be removed. Even individuals located in a different room than an actual public meeting who are protesting so loudly that it interferes with the meeting can be removed from the area. On the other hand, a person who rolls his or her eyes, repeatedly sighs, shakes their head or guffaws is probably not actually interrupting the meeting. A person who is merely a distraction is not necessarily an actual disruption, and thus, should be ignored.

Because the requirement is that an actual disruption of the proceedings occurs, it is not appropriate to remove a person because of some type of symbolic expression that does not interrupt or halt the meeting itself. For example, the Ninth Circuit found that while a person giving a Nazi salute may be offensive, giving the salute did not interfere with or interrupt the public meeting itself. And because the actual meeting was not interfered with by the salute, the removal of the person giving the salute from the meeting amounted to “viewpoint discrimination” by the governing body. Having a person removed from a public meeting because his view on a matter is offensive to some or all of the other people in attendance at the meeting is not legally permissible.

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<sup>8</sup> *Norse v City of Santa Cruz*, 629 F3d 966, 976 (9th Cir 2010).

## CHAPTER 12: ETHICS

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Public official ethics are governed by various constitutional provisions, the common law, state statutes, and occasionally, charter or ordinance provisions. Government ethics law is administered and enforced by the Oregon Government Ethics Commission. State law requires mayors, city councilors, planning commissioners, judges, and the chief administrative official to file a statement of economic interest each year with the Oregon Government Ethics Commission. State law also requires that public officials not use their official position or office to obtain financial

gain other than their official salary, honorariums or reimbursements of expenses. The law limits the value of gifts that officials, candidates or members of their families may solicit or receive, or which any person may offer, and prohibits public officials from soliciting or receiving offers of future employment in return for their influence. The law prohibits public officials from furthering their personal gain by use of confidential information gained through their position with the city.

Public officials must also avoid a conflict of interest relating to taking official action that may or will result in financial benefit or detriment to the public official, the public official's relative, or a business with which the public official or their relative is associated. When a conflict of interest exists, the public official must take certain steps such as announcing the conflict and potentially recusing themselves from any participation in the discussion or vote on the issue.

**For more information and guidance on government ethics for public officials, see [Chapter 8 of the LOC Municipal Handbook](#) and the [Oregon Government Ethics Commission's Guide for Public Officials](#).**

# APPENDIX A: PUBLIC RECORDS

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Oregon law protects the public’s right to information regarding the business of public bodies such as cities. Under these laws, the records of a public body’s business are available for review by any person regardless of the person’s identity, motive, or need. All public records are subject to disclosure unless an exemption to disclosure under the OMPL applies. Through the Archives division of the Oregon Secretary of State’s office, the state provides guidelines for records management. Public bodies must follow the records management and disclosure laws in order to appropriately manage records, maintain records, and respond to requests for disclosure.

State law defines a public record as: “[A]ny writing that contains information relating to the conduct of the public’s business\* \* \* prepared, owned, used or retained by a public body regardless of physical form or characteristics.”<sup>9</sup> The term “writing” is defined broadly and includes any “handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.” When determining whether a record is public, the question is whether the record relates to the business of the public, not the format of the record. This often means that emails, text messages and social media posts—even those created, delivered and stored on a personal device—could be considered a public record. If a record has a relationship to a city’s business, then it is a public record.

## Frequently Asked Questions

### **Q. How soon must a city respond to a request for public records?**

**A.** Once received, a city must acknowledge receipt of the public records request or provide a copy of the requested record within five business days.<sup>10</sup> Within 10 business days of the date it was required to acknowledge the request, the city must either complete its response to the request or provide a written statement that it is still processing the request, along with an estimated completion date. These timeframes do not apply if the compliance would be impractical. Such reasons where compliance would be impractical include staffing, performance

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<sup>9</sup> Generally public records law is covered by ORS Chapter 192.

<sup>10</sup> Generally public records request timeline covered by ORS 192.324 and ORS 192.329.



of other necessary services, or the volume of other simultaneous public records requests. A city must still complete the request as soon as practicable and without unreasonable delay.

**Q. Can a city impose fees for responding to public records requests?**

**A.** Yes, ORS 192.341(4) allows a city to impose a fee for responding to a public records request, but the fee must be one that is “reasonably calculated” to reimburse the city for its actual cost of making the public records available to the requestor. A city’s fee, according to ORS 192.341(4)(a)-(b), may include reimbursement for any of the following:

- The actual cost of making the public records available;
- Costs to reimburse staff’s time in locating the requested records;
- Costs incurred for summarizing the public records;
- Costs incurred for compiling the public records;
- Costs incurred for tailoring the public records to the request that was made;
- Cost incurred by a person responsible for supervising a person’s inspection of original documents (so the originals are protected from damage, destruction, or theft);
- Costs incurred for certifying public records as true copies of the original documents;
- Costs incurred in sending requested records by special methods like FedEx; and/or
- Costs incurred for the city attorney’s time in reviewing the public records, redacting material from the records, or segregating the public records into exempt and nonexempt records.

ORS 192.341(4)(c) prohibits a city from assessing a fee which is greater than \$25 unless the city first provides the requester with a written notification of the estimated amount of the fee, and the requester then confirms that it still wishes the city to proceed in making the requested records available.

**Q: Is a city allowed to provide reduced fees for certain record requests?**

**A:** ORS 192.341(5) allows a city to produce documents pursuant to a public records request at no charge, or at a reduced fee, if the city believes it is in the public interest to do so. The Oregon Court of Appeals has determined that the public interest test outlined in ORS 192.341(5) is satisfied “when the furnishing of the record has utility – indeed, its greatest utility – to the

community or society as a whole.”<sup>11</sup> Note that a person who believes that a city has unreasonably denied a fee waiver or reduction is authorized by ORS 192.341(6) to petition the attorney general or the district attorney for redress

**Q: What public records are exempt from disclosure?**

**A:** Prior to responding to a records request, a public body must review the records for exempt materials – those records that are not subject to disclosure. Often a record will contain both exempt and nonexempt material. A public body may redact or otherwise separate records that are exempt. A public body should notify the requester when it exempts information. ORS 192.345 provides for 40 conditional exemptions. These include, but are not limited to records pertaining to litigation, trade secrets, social security numbers, criminal investigatory material, personnel disciplinary actions, residence address of an elector, and others.

**Q: Are public bodies required to create a document in order to fulfill a public records request?**

**A:** No, public bodies are not required to create records in response to a public record request.

**Q: Are notes and memos subject to retention and disclosure?**

**A:** Yes, notes taken by public employees and officials that relate to the public body’s business are subject to proper retention and disclosure.

**Q: Are draft records subject to retention and disclosure?**

**A:** Yes, the fact that a document is a draft form does not by itself warrant a basis to withhold from disclosure.

**Q: Is the public body obligated to disclose the personal addresses, or personal telephone numbers of public employees?**

**A:** No, ORS 192.355(3) exempts public employee and volunteer residential addresses, residential and personal telephone numbers, personal email addresses, driver license numbers, employer issued identification card numbers, emergency contact information, Social Security numbers, and dates of birth. The exemption does not apply to certain elected officials, substitute teachers, or in cases where the requester shows by a clear and convincing evidence that the public interest requires disclosure.

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<sup>11</sup> *In Defense of Animals v. OHSU*, 199 Or App 160, 189 (2005).

## APPENDIX B: PUBLIC HEARINGS

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With the exception of elections, public hearings and public comment are the most traditional and prevalent ways for resident involvement in local government decisions. State law defines a “meeting” as the convening of any of the “governing bodies” subject to the law “for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.” The right of public attendance is guaranteed at public meetings by the OPML, but the OMPL does not include the right to participate by public testimony or comment. However, if a public hearing is on the city council agenda, then council is seeking the input from residents on the subject. Most common public hearings occur before land use decisions, budget adoption, and in some cases prior to adopting ordinances. While state law provides certain minimum criteria for public meetings,<sup>12</sup> local law governs how these meetings are conducted, including how much time is given to citizens for public testimony. By and large, state law leaves it to public bodies to establish their own rules of procedure for hearings and regularly scheduled meetings. These rules of procedure are often required by a city’s charter.

Public hearings in particular often benefit from an opening statement by the presiding officer that explains the subject that is being considered and makes clear the rules that are in place at the hearing. City staff can provide the mayor with a written script outlining the public hearing procedures. While city staff and the public body may be aware of the rules of procedure, the same cannot be said for most members of the public; therefore, an opening statement that explains relevant rules can lower the likelihood of discontent or friction during public testimony. Similarly, many members of the public are not always aware of past deliberations or decisions that a city has made on an issue. By providing a summary of factual information related to a subject at the start of a hearing, a city can promote a broader understanding of the issue and prevent rumors or other misunderstandings from taking hold.

Likewise, hearings should close with the presiding officer making a closing statement that explains what further actions, if any, need to be taken by the public body or its staff. These conclusory remarks give everyone in attendance a better idea of where matters stand on a particular subject.

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<sup>12</sup> ORS 192.610 to ORS 162.690

On controversial matters, except for quasi-judicial hearings, a prehearing conference with the issues' chief proponents and opponents may be useful. Questions of fact may be resolved at such conferences and time may be saved at the hearing. To preserve the impartiality required for quasi-judicial hearings and to avoid violation of the open meeting law, prehearing conferences should be conducted by city staff members rather than councilors.

# APPENDIX C: MEETING TIPS

Source: *Elected Official's Little Handbook*, Len Wood.

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## Meeting Savvy

Consider these pieces of advice when preparing for a meeting.

- **Give colleagues time to assimilate things.** You'll notice that an idea rejected one day may be presented by the one who opposed it earlier.
- **Don't try to please everyone.** This simply does not work and makes you look weak and indecisive.
- **Confront meeting disrupters immediately.** Don't let them take control of the meeting or set its tone.
- **"We've always done it this way."** Don't become so enamored with precedent that it keeps the council from moving forward.
- **Don't waste quality meeting time dealing with routine complaints that can be resolved by staff outside the meeting.**
- **Apply rules equally with all participants.** Don't strictly enforce a time limit for one person and be lax with another.
- **Be careful about using first names of audience members you know and last names of those you don't.** It may be interpreted as bias.
- **Alert staff before the meeting if you intend to bring up an important issue.** This simple courtesy will help staff prepare background information and avoid embarrassment.
- **Be sensitive to audience perceptions regarding your neutrality during a recess, especially during hot meetings.** If you meet with one group and not with another, you may be perceived as favoring that group.
- **If you disagree with a significant statement or proposal made by a colleague or staff member at a meeting, express that disagreement.** Silence may be interpreted by staff as agreement, and they may take action based upon that assumption.

## Chairperson Faux Pas

Acting as the chair for a group is a demanding task. Here are some common mistakes:

- Failing to remain impartial during a heated discussion.

- Forgetting to relinquish the gavel when the chair becomes emotionally involved in an issue.
- Treating members unevenly.
- Cutting off discussion before members are ready.
- Failing to close discussion in a timely manner.
- Failing to establish or follow the agenda.
- Allowing the meeting to become too informal; letting the meeting drift.
- Neglecting to explain the process being followed.
- Failing to restate audience questions so all in the audience can hear.
- Failing to recognize and deal with a councilor objection to procedures or process.
- Failing to protect members of staff from verbal attack.
- Losing track of amendments to motions.
- Failing to restate motions before they are voted upon.
- Forgetting to call recesses during long meetings.
- Neglecting to reconvene the meeting at the specified time after a recess.

## The Art of Asking Questions: How to Aid Discussion by Asking the Right Questions

Questions are one of the most important tools you can use to obtain information, focus the group and facilitate decision-making.

### *Asking of colleagues*

- How do you feel about this item?
- What do you think the proposed action will accomplish?
- Would you please elaborate on your position?
- What results are we looking for?
- What are we trying to accomplish with this law/policy?
- What are the benefits and drawbacks?
- Will you please explain the process?
- Have we ever made an exception to this policy?
- What would it take for you to support this?
- What type of feedback have you received from the residents?

### *Asking of staff*

- What other alternatives did you consider?
- Why has this item come to be on the agenda?

### ***Asking of the public***

- How will this proposal affect you?
- What do you think about the proposed action?
- What are your concerns?
- What other ways can you suggest for solving the problem?

### ***To broaden participation***

- We've heard from some of you. Would others who have not yet spoken like to add their ideas?
- How do the ideas presented thus far sound to those of you who have been thinking about them?
- What other issues related to this problem should we discuss?

### ***To limit participation***

- We appreciate your contributions. However, it might be well to hear from some of the others.
- You have made several good statements, and I am wondering if someone else might like to ask a question or make a statement.
- Since all of the group have not yet had an opportunity to speak, I wonder if you could hold your comments until a little later?

### ***To focus discussion***

- Where are we now in relation to the decision we need to make?
- Would you like to have me review my understanding of what's been said and where we are?

- Your comment is interesting. However, I wonder if it relates to the problem before us?
- As I understand it, this is a problem. Are there additional comments before we come to a decision?

### ***To help the group move along***

- I wonder if we've spent enough time on this and are ready to move along to...?
- Have we gone into this part of the problem far enough so that we can shift our attention to...?
- In view of the remaining agenda items, would it be well to go to the next question before us?

### ***To help the group reach a decision***

- Do I sense an agreement on these points...?
- What have we accomplished up to this point?
- Should we look at our original objective and see how close we are to it?
- Would someone care to sum up our discussion on this issue?

### ***To lend continuity***

- At our last meeting we discussed this issue. Anyone care to review what we covered then?
- Are there points that need further study before we convene again?
- Since we cannot reach a decision at this meeting, what issues should be taken up at the next one?

# APPENDIX D: PARLIAMENTARY PROCEDURE

Parliamentary procedure provides the process for proposing, amending, approving and defeating legislative motions. Many councils have chosen to adopt Robert's Rules of Order to govern motions and related matters. Cities can also choose to adopt their own local model rules of procedure for council meetings. Under the LOC's sample Model Rules of Procedures for Council Meetings, where Robert's Rules conflict with the model rules, the model rules should prevail.

*See the [LOC's Model Rules of Procedure for Council Meetings](#) for a starting point if your city is in need to adopt or update its council rules.*

## Robert's rules

The following summarizes important points from Robert's Rules of Order. Your city council may have other parliamentary rules or procedures it follows.

- A quorum must be present.
- All members are equal. Each speaker must be recognized by the moderator prior to speaking.
- Only one subject may be before the group at one time. Each item to be considered is proposed with a motion which usually requires a "second" before it can be voted on. Once the motion is made the mayor places the question before the council by restating the motion.
- Only one person may speak at any given time. The proposer of the motion is allowed to speak first, so the council understands the basic premise of the motion. The proposer is also allowed to speak last, so the council has an opportunity to consider rebuttals to any arguments opposing the motion.
- Each item presented for consideration is entitled to a debate.
- The will of the majority prevails.
- If the vote is tied, then the motion fails.

## Types of Motions

*Roberts Rules of Order* provides for four general types of motions.

### Main motions

Main motions bring action on a subject and cannot be made when any other motions are before the group.

### Motion Should Include:

**What** is to be done?

**Who** will do what needs to be done?

**When** is "it" to be done?

**How** much will it cost and where will the funds come from?



## *Subsidiary motions*

Subsidiary motions are motions which direct or change how a main motion is handled. These motions include:

- **Amendment.** Used to change a motion to make it more acceptable to the council. The amendment must be related to the main motion's intent and cannot be phrased in a way to defeat the main motion. Two amendments can be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. Once the second amendment was voted on, the first amendment is discussed and voted on; then the final discussion and vote is taken on the main motion, as amended if an amendment was passed.
- **Tabling.** Used to postpone the discussion until the group decides by majority to resume the discussion. This motion will halt consideration of the question immediately without debate. It requires a second and is nondebatable and not amendable.
- **Previous question or close debate.** Used to bring the council to an immediate vote. It closes the debate and stops further amendments. This allows the majority to decide when enough discussion has occurred. The formal motion is to "call for the question." This motion requires a second, is not debatable and requires a two-thirds majority.
- **Limit/extend debate.** This applies to governing bodies who have adopted a rule limiting the amount of time that will be spent on a topic. This motion changes the adopted rules for debate.
- **Postpone to a definite time.** This is similar to tabling, but it directs that the matter will be taken up again at a specific date and time.
- **Refer to committee.** Directs that another body will study the matter and report back to the council.
- **Postpone indefinitely.** This kills the motion for the time being. It cannot be brought back up again in the same meeting and takes a two-thirds vote to take the matter back up again at a future meeting.

## *Incidental motions*

Incidental motions are housekeeping motions which are in order at any time, taking precedence over main motions and subsidiary motions. These motions include:

- **Point of Order.** This brings the council's attention to the rules being violated. A councilor doesn't have to wait to be recognized to make a point of order. It will require the mayor to make a ruling as to whether or not rules have been broken and then to correct the issue.
- **Appeal from the decision of the chair.** This motion is used when the mayor makes a ruling and a councilor disagrees with the decision. This motion must be seconded and

cannot be amended. Then the motion is moved and seconded, the mayor should immediately state “Shall the decision of the chair stand as the judgement of the council?” If there is a tie vote, the mayor’s decision is upheld.

- **Parliamentary inquiry.** This is a question as to whether an action would be in order.
- **Point of Information.** A person may rise to offer information that is considered necessary for the group.
- **Division of assembly.** By saying “division” a councilor is requesting a more precise method of counting votes than by voice, such as raising hands or standing. This is not debatable, there is not a second, and no vote is required.
- **Request to withdraw a motion.** This request requires majority approval.
- **Suspension of the rules.** When matters are taken out of order, or a particular task can be better handled without formal rules in place, this motion can be approved by two-thirds vote of the group. However, until the rules are restored, only discussion can occur and no decisions can be made. This motion requires a second and is not debatable or amendable.
- **Object to consideration of a question.** This motion can occur when a motion is so outrageous it is intended to distract the council from resolving its business. If the chair does not rule the motion out of order, a two-thirds vote of council can block further consideration.

### ***Renewal motions***

Once the council has taken action, renewal motions require the council to further discuss or dispose of a motion. The motions include:

- **Reconsider.** This motion can be made by someone who voted on the prevailing side of the emotion and wants the council to revisit the same motion in the same meeting or a subsequent meeting. A majority of the council must approve taking additional time to debate the motion. This motion can be used if the councilor feels the vote was made without enough information, new information is available after the vote was taken or the vote wasn’t well thought out.
- **Take from the table.** This motion is used to take a main motion that was tabled during the current or immediately previous meeting and bring it back before the council. A majority of the council must pass the motion to take from the table and the motion is nondebatable.
- **Rescind.** Used to cancel a motion and is in order at any time. If prior notice has been given to the council that this action will be considered, the motion to rescind can pass with a simple majority vote, however, if no prior notice has been given, the vote requires a two-thirds majority.