



CITY OF NEWBERG COUNCIL GUIDELINES

Council Rules Legislative History

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CITY OF NEWBERG COUNCIL GUIDELINES

As a member of the Newberg City Council, council members will strive to do the following:

- 1) Trust and respect the opinions of fellow council members and participate in the decisions of the council.
- 2) Accept responsibility to attend all council meetings and council sub-committees assigned.
- 3) Fulfill obligations to share with other council members the membership on the committees as required.
- 4) Provide appropriate notification to the mayor, council president or city manager of an absence as soon as practical prior to the meeting time.
- 5) Not disclose information which is confidential and, when asked by the public for information that is confidential, will state that the information is confidential.
- 6) Make every attempt to resolve any conflict with a fellow council member prior to bringing the conflict to the attention of the council.
- 7) Make an effort to study material presented in a timely manner and be informed on all issues.

NEWBERG CITY COUNCIL MEETING EXPECTATIONS

As a Newberg City Council member, council members will strive to do the following:

- 1) Make the citizens and visitors feel welcomed at the meetings by involving them in the process, being courteous to them, and respecting their opinions.
- 2) Do their best to communicate in clear, concise and audible language and written communications.
- 3) Make sure that their tone of voice is friendly and sincere.
- 4) Honor and act on all requests for action and/or information in a timely and courteous manner.
- 5) Discuss issues, but not personalities with non-council members.
- 6) After an issue has been voted on, council members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the council, even if their personal opinion differs from the council's decision.
- 7) In quasi-judicial matters, members will explain at the meeting the reasons for their vote.

CITY OF NEWBERG COUNCIL RULES

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Newberg City Council Rules

SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules

Section 11 of city charter provides that the council will adopt council rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on debating, voting, membership, attendance, agendas, and other matters. The rules are intended to serve as a guide for the council. One of the goals of the council is to work with the residents of Newberg and provide a positive atmosphere at council meetings. These rules provide the basic outline required to work together. The council may need to vary from these rules from time to time to best serve the public interest.

Rule 1.2 Council Authority

All questions regarding these rules will be resolved by majority vote of the council.

Rule 1.3 Limited Public Forum

The meetings of the council, including regular meetings, special meetings, work sessions and emergency meetings are open to the public in accordance with the Oregon Public Meetings Law (OPML). The meetings are considered a limited public forum at which council business is conducted in accordance with the agenda and rules of the council. The mayor, as the presiding officer, along with the council has the authority to require discussion at the meetings be addressed to the matters that are appropriate to be considered, to limit the time for discussion, and to restrict input concerning the matters to be discussed. The council has the right to require persons attending the meeting, addressing the council or participating in the meeting to conform to the rules of the council and directions of the mayor or the presiding officer.

Rule 1.4 Presentation to Council Members

These council rules will be presented to all council members at or before the time they take the oath of office. Each appointed or elected council member will acknowledge in writing that the member has received and reviewed a copy of these council rules within 30 days of receiving the rules. The city recorder will furnish a form of acknowledgement to the member and retain the signed copy.

SECTION 2 – GENERAL RULES

Rule 2.1 Open Meetings

All council meetings will be held in accordance with the OPML. All final action by the council will take place at council meetings that are open to the public.

Rule 2.2 Quorum

Section 13 of city charter provides that a majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of the absent members.

Rule 2.3 Compelling Attendance

When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any council member may move for a call of the house. The motion will be put in the following form: "I move for a call of the house." That motion will

take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two council members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent council members will be requested to attend or return to the meeting.

The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent council members at the meeting. The mayor is authorized to recess the meeting to a time certain while attendance is being compelled.

Rule 2.4 Vacant Positions as Relates to Quorum

If a council position is vacant, that vacant office will not be counted in determining the majority of the council members that is necessary for a quorum to conduct business.

Rule 2.5 Vote Required

Section 14 of the city charter provides that expressed approval of a majority of the quorum of the council is necessary for any council decision except when the charter or council rules requires approval by a concurrence of a majority of the entire membership of the council.

Rule 2.6 Entire Membership

Section 17 of city charter provides that a concurrence of the entire membership of the council is required for the passage of an ordinance. The entire membership of the council is comprised of six (6) councilors and the mayor who is elected at large. The concurrence of the entire membership of the council requires the concurrence of four (4) councilors. The absence from a particular meeting does not affect the required number of councilors to constitute the majority of the entire membership. However, if an office of position of councilor is vacant, that office will not be considered when determining the entire membership of the council. This interpretation is applicable to any time the concurrence of the majority of the entire membership of the council is required for any council decision.

Rule 2.7 Rules of Order

- A. "Robert's Rules of Order, the most recent published addition, will guide all council proceedings.
- B. Members of the council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

Rule 2.8 Suspension of Rules

The vote to suspend council rules including Robert's Rules of Order, requires a majority vote of those members of the council who are present. If the motion is carried, the rules will be suspended for that item only.

Rule 2.9 Records of Proceedings

The city recorder will be the ex-officio clerk of the council, attend all the meetings unless excused and keep an accurate record of the proceedings of the council meetings. The city manager will appoint and supervise the city recorder. The city manager may appoint such deputy city recorders as needed. The records of the proceedings are to be known as "minutes." The minutes will be kept in accordance with the

Oregon Public Records and Meetings Law and in a manner prescribed by these rules pursuant to Section 15 of the city charter.

SECTION 3 – CITY COUNCIL MEMBERS

Rule 3.1 Council Defined

Section 8 of city charter states that the council consists of a mayor nominated and elected from the city at large and six (6) councilors nominated from districts and elected from the city at large.

Rule 3.2 Qualifications to Hold Office

Section 28 of the city charter provides for complete qualifications for eligibility of elective office of mayor and city council members of the city. The city charter provides that no person will be eligible to fill the elective office of mayor or city council member unless at the time of the election that person is a qualified voter and has resided in the city for at least one year immediately preceding the election. In addition, in order for a person to be eligible for a council position, that person must live in the district from which the person is nominated to run for the council position. Furthermore, it is a requirement that the person once elected to the office of mayor or council member they must continue to meet the qualifications for that office throughout their term. The council is the final judge of the qualifications in election of its members.

Rule 3.3 Attendance

It is the duty of each councilor and the mayor to attend all meetings of the council. Section 32 of the city charter provides that an office will be deemed vacant upon the absence from meetings of the council for sixty (60) days or the absence from the city for thirty (30) days without council consent. The consent of the council for such absence must be in writing and obtained prior to such absence, if possible. Consent will be given for good cause. The council has the authority to make the final decision concerning good cause.

Rule 3.4 Excused Absence

When a councilor cannot attend a meeting, the member will notify the mayor, presiding officer, or city manager prior to the meeting. The mayor or presiding officer will determine if the absence is considered “excused” or “unexcused.” If the absence is for good cause and there are no objections from other councilors who are present, the city recorder will record the absence in the minutes as excused. If the councilors, upon an affirmative vote of the majority of the councilors present, determine the absence is not for good cause, the city recorder will record the absence in the minutes as unexcused. There will be a presumption that the absence is unexcused if there is no notification of the absence prior to the meeting. The council will make the final decision on whether or not an absence is excused or unexcused.

If any member has two (2) consecutive unexcused absences from meetings or subcommittee meetings of the council, the council may request an explanation at a regular meeting of the council.

Rule 3.5 Explanation of Unexcused

If any member has two (2) consecutive unexcused absences from meetings or subcommittee meetings of the council, the council may request an explanation at a regular meeting of the council.

Rule 3.6 Filling Vacancies

Section 33 of city charter provides that vacancies of elected offices of the city will be filled by appointment by a majority of the remaining councilors. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. When such vacancies occur, the council will follow the procedure set out for filling that specific vacancy as adopted by the council or as set out in these rules. In the event that all elected offices become vacant, the city manager requests the Secretary of State to call a special election to fill the vacancies of the council.

Rule 3.7 Compensation for Attendance at Meetings

A. Section 2.05.010 of the city code provides that “The duly elected and qualified members of the city council shall be compensated a monthly stipend as established by the annual budget process of the City.”

B. Procedures: City Council members will enroll in Payroll upon orientation to the Council. The finance department will process the payments as part of the payroll function of the City.

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Rule 3.8 Ethics

All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:

- A. Disclosing confidential information.
- B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
- C. Expressing an opinion contrary to the official position of the council without so saying.
- D. Conducting themselves in a manner so as to bring discredit upon the government of the city.

Rule 3.9 Etiquette

- 1. Honor the expertise in the room.
- 2. Avoid blame, speculation, and inflammatory language.
- 3. Ensure that all are heard and encourage participation.
- 4. Acknowledge and respect differences.
- 5. Agree to disagree.
- 6. Look for common ground.
- 7. Come to meetings prepared.
- 8. Ask questions to staff in advance whenever possible.
- 9. Active listening – Listen to understand not to respond.
- 10. WAIT – Why Am I Talking?
- 11. Stay on topic.
- 12. Provide actual direction.
- 13. Respectful to all.
- 14. Functional procedural rules.

Rule 3.10 Statements to Other Organizations

A. Representing City

If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.

B. Personal Opinions

If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

Rule 3.11 Interactions with City Manager and Management

All members of the council shall respect the separation between the council's role and the City Manager's responsibilities by:

- A. Not interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.
- B. Refraining from action that would undermine the authority of the City Manager or management staff.
- C. Limiting individual inquiries and requests for information from management to those questions that may be answered readily as part of management's day-to-day responsibilities. The City Manager should be informed regarding questions of a more complex nature.
- D. Council members should normally share any significant information obtained from management staff with the entire Council. This does not apply to questions by council members acting in their individual capacities rather than as a member of the council, nor to question regarding conflict of interest or similar issues particular to a member of the Council.

Rule 3.12 Interaction with City Attorney and Legal Staff

The City Attorney is the chief legal officer of the city and represents the municipal corporation not individual council members. Advice is given to the council as a whole, not to individual council members.

- A. Council members may make requests to the City Attorney for information and advice that would take less than two hours of attorney time. Council members should understand that the City Attorney must prioritize the city's legal issues and may not be able to respond immediately to Council requests.
- B. Requests for legal advice that require greater than two hours will require the concurrence of the majority of the Council.
- C. Any special requests of legal staff should be addressed through the City Attorney.

Rule 3.13 The Mayor is not "the gatekeeper" and does not screen Councilor interaction(s) with city personnel. However, the Mayor should be advised of significant issues that have been forwarded to city personnel.

SECTION 4 – COUNCIL MEETINGS

Rule 4.1 Regular Meetings

Section 12 of the city charter provides that the council must meet at least once a month at a time and place designated by the council. It further provides that the council may designate other regular council meetings besides the once a month meeting mandated by the city charter. The council designates through these rules two regular meetings of the council, which will be held on the first and third Monday of each month, except on holidays in which event the council will meet on the next ensuing business day as provided by city code Section 2.05.150.

Rule 4.2 Notice of Meeting

The notice of the regular meeting of the council, including the agenda which lists items to be considered by the council, will be given in accordance with the OPML. However, the notice does not limit the matters that can be considered by the council nor prevent the council from taking up any matter brought before the council in accordance with the OPML.

Rule 4.3 Meeting Times and Places

The regular meetings of the council will normally begin with a work session at 6:00 p.m. followed by a regular business session at 7:00 p.m. Regular council meetings will take place in the Public Safety Building in the training room, unless specifically designated to occur at another location. Any other such location will be noted in the notice of the meeting, but may not be outside of the City limits.

Rule 4.4 Special Meetings

Special meetings may be called at any time upon the mayor's request or the request of three (3) members of the council. All meetings of the council will be called, noticed, and held in accordance with the city charter, city code, rules of the council, and the OPML.

Rule 4.5 Special Meetings Limited Purpose

Notice of a special meeting will designate the time and place, as well as the business to be considered in accordance with Section 2.05.160 of the city code. Only business as set forth in the notice will be considered by the council, unless an actual emergency occurs in which case notice will be given in accordance with the OPML. In accordance with Section 2.05.170 of the city code, the rules of procedure for special meetings will be the same as those provided for general meetings of the council insofar as such rules are applicable. The agenda to be followed at the special meeting will generally be the agenda format for the study session set out in Rule 5.11.

Rule 4.6 Emergency Meetings

The mayor upon the mayor's own motion, may, by giving notice to all members of the council, call an emergency meeting. An emergency meeting of the council may be called on less than 24 hours' notice provided an actual emergency exists. The meeting will be called and notice will be given pursuant to OPML. Attempts will be made to contact the media to provide notice of the emergency meeting.

Rule 4.7 Executive Session Meetings

Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager or by the city attorney. Council may meet in executive session in accordance with the OPML. Matters discussed in executive session will be exempt from public disclosure pursuant to OPML. Council members will not disclose matters discussed in executive session. The city manager and city attorney will attend all executive sessions, unless they are excluded by the council or have requested to be

excused. City staff persons, as allowed by the council, may attend. Other persons authorized by OPML may attend. All final action or decisions must be made in public session.

Rule 4.8 Adjourned and Recessed Meeting

The council may adjourn or recess any meeting to a later date and time by a majority vote of the council members present. At least 24 hours' notice will be given announcing the date and time of the adjourned or recessed meeting if possible.

Rule 4.9 Cancellation of Meeting

Upon a majority vote of the council members present, a meeting may be canceled when deemed appropriate. If there is no business to transact or a quorum of the council cannot attend and there is no urgent necessity to have the meeting, the mayor with advice and consent of the city manager may cancel the meeting. Council members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given as soon as possible to the public in a manner aimed at giving adequate notice.

SECTION 5 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION

Rule 5.1 Preparation of Agenda

The city manager with the advice and consent of the mayor will prepare the agenda along with appropriate documentation for council meetings. Any member of the council may request, through the city manager, for a matter to be placed upon the agenda. Such request is subject to the advice and consent of the mayor. Each meeting agendas format will be prepared as prescribed in the rules. If there is no item to be considered under a section of the agenda, that section will be omitted from the agenda and the agenda will be renumbered accordingly. The final authority on the agenda matters is the city council.

Rule 5.2 Non-Agendized Items

Prior to the meeting, the city manager may send out additions to the agenda with the appropriate documentation. The council may consider the items which are not listed on the published agenda. The council by majority may place the item on the agenda. Action may then be taken on the item.

Rule 5.3 Time for Submission of Items

Items for the council agenda will be submitted in time to allow for sufficient research by staff and recommendations from council advisory bodies.

Rule 5.4 Reports by the Staff

Normally the councilors will receive a report from the staff on each item to be considered by the council at least one (1) week prior to the council meeting.

Rule 5.5 Additional Items

After consulting with the mayor, the city manager may, not later than forty-eight (48) hours prior to the meeting, send out additions to the agenda with appropriate documentation and information. With prior notice to the council and under circumstances that cannot be avoided, the city manager may submit additional documentation at the council meeting. Any councilor may request and will be granted adequate time to review the documentation or delay deliberation concerning the matter.

Rule 5.6 Public Comments

A. Non-Agenda Items and Consent Calendar

Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar would speak under public comments. Those people will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for public comments, including all speakers is thirty (30) minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Comments including any attachments, can be emailed to the City Recorder by 12:00 p.m. (noon) the Friday before the meeting or dropped off at City Hall.

B. Agenda Item other than Consent Calendar

Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Comments including any attachments can be emailed to the City Recorder by 12:00 p.m. (noon) the Friday before the meeting or dropped off by City Hall. Materials more than 10 pages long should be submitted prior to the deadline to ensure sufficient time for council review.

C. Written Materials Received after Deadline

Written material received later than the deadlines set forth in A or B will be accepted only by affirmative vote of the majority of the council except in the case of land use hearings.

D. Electronic Materials

Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff **Friday by 12:00 p.m.** prior to the council meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.

E. Multiple Speakers

Should there be more speakers than can be heard during the 30 minutes allowed for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard or may extend the comment period.

F. Council Inquiries

Councilors may, upon recognition by Mayor or presiding officer, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questions to no more than three minutes. The Mayor, or presiding officer, may intervene if a councilor is violating the spirit of this guideline.

Rule 5.7 Consent Calendar

The city manager will place items which have been previously reviewed by the council or items which are routine in nature on the consent calendar. Items may be removed from the consent calendar by the mayor or by request of a council member. Ordinances and orders will not be placed on the consent calendar. Public comments, as described in 5.6.A, will be held prior to the approval of the consent calendar

to allow the public to address items under consent calendar.

Rule 5.8 Agenda Availability

Council agendas and the accompanying documents are available at the city recorder’s office and are posted on the city website normally one (1) week prior to the council meeting. Proposed ordinances will be available to the public on the City website one week prior to the meeting, as required by the Charter. Interested persons are encouraged to read the agenda along with supporting material, and address questions to the mayor, council or city staff prior to the meeting. The mayor and council value public input. In order to efficiently conduct city business, those who have concerns are encouraged to address these issues prior to the council meeting.

Rule 5.9 Work Session Meeting Agenda

The council may hold a work session prior to the council business meeting and as needed. The work session will be attended by the city manager, the city attorney, the mayor and the council. Other department heads will be expected to attend work sessions if requested by the city manager. The work session is intended for discussion and no decisions or actions will be taken on the items. The work session agenda will be as follows:

- I. Call Meeting to Order
- II. Roll call
- III. Review of the council agenda and meeting
- IV. Council housekeeping items (schedules, requests, announcements, limited to items of clarification, organization, calendar and questions of a general nature.)
- V. Reports & Presentations
- VI. Executive session
- VII. Recess

These work sessions are open to the public and the public is welcome to attend. Public input will not be taken except with specific permission of the council. Minutes of the work session will be kept by the city recorder. The agenda may be altered at the convenience of the council.

Rule 5.10 Business Meeting Agenda

The council may hold its regular business meetings at the time and place as specified in these rules. The business meeting agenda will be as follows:

- I. Call Meeting to Order
- II. Administration of Oath of Office
- III. Roll Call
- IV. Pledge of Allegiance
- V. Reports, Special Presentations, or Recognitions
- VI. City Manager’s Report
- VII. Council Appointments
- VIII. Public Comments (30 minutes maximum which may be extended at the mayor’s discretion; an opportunity to speak for not more than five (5) minutes per speaker allowed)
- IX. Consent Calendar
- X. Public Hearings
- XI. Continued Business

- XI. New Business
- XII. Council Business
- XIII. Executive Session
- XIV. Adjournment

At the mayor’s discretion, the mayor may change the order of the agenda and allow communications concerning items on the agenda or other council business. Minutes of the business meeting will be kept by the city recorder.

Rule 5.11 Study Session Meeting Agenda

The council, from time to time, may hold a study session at a location to be determined based on facility availability. The purpose of the study session is to explore and analyze issues, as well as to confer with staff or other experts. The study session is intended for discussion and no decisions or actions will be taken on the items. The study session agenda will be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Presentation of Information
- IV. Discussion and Questions
- V. Executive Session
- VI. Specific Items for Presentations
- VII. Reports or Presentations from Boards, Commission, Committees, or Groups Invited by the Council
- VIII. Adjournment

These study sessions are open to the public and the public is welcome to attend. Public input will not be taken except with specific permission of the council. Minutes of the study session will be kept by the city recorder.

Rule 5.12 Joint Meeting or Community Forum Meeting Agendas

The council may hold joint meetings or community forums with other governmental entities or with the city’s boards, commissions, or committees or other governmental entities or an open forum to conduct business and to discuss issues, relationships, strategic plans, or controversial issues. The agenda for these meetings or forums will be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Purpose of Joint Meeting or Community Forum
- IV. Discussion or Deliberation
- V. Summary and Closing Comments
- VI. Adjournment

The purpose of the community forum would be to listen and communicate. These meetings are open to the public and the public is welcome to attend. Public input will not be taken except with specific permission of the council. Minutes of the joint meeting or community forum meeting will be kept by the city recorder.

SECTION 6 – PRESIDING OFFICER

Rule 6.1 Mayor

Section 9 of city charter provides that the mayor will preside over and facilitate all council meetings, preserve order, enforce council rules, and determine the order of business pursuant to council rules. The mayor is a voting member of the council and has no veto authority. The mayor, with the consent of the council, will appoint members of boards, commissions, and committees established by ordinance or resolution. The mayor will sign all records of council decisions. The mayor serves as the political head of the city.

Rule 6.2 Council President

In the absence of the mayor, the council president will act as mayor and serve as the presiding officer. Pursuant to section 10 of city charter at the first meeting each year, the council will elect a council president from its membership. Whenever in these rules, the mayor is mentioned and the mayor is absent, the council president can exercise the authority as the mayor. The council president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform the mayor's duties.

Rule 6.3 Presiding Officer Pro-Tem

In the absence of the mayor and council president at any meeting of the council where a quorum is present, the council members present may appoint a presiding officer pro-tem who will preside at the meeting. The presiding officer pro tem will exercise all the authority of the mayor during the proceedings.

- A. If both the mayor and the president of the council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
1. The city recorder shall call the council to order and call the roll of the members.
 2. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
 3. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
 4. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

Rule 6.4 Presiding Officer Pro-Tem for Specific Items (Roving Gavel)

The mayor, with the consent of the appointed council member and the concurrence of the members present, may appoint a council member to serve as the presiding officer pro-tem for specific items to come before the council meeting for consideration. If any councilor objects to the appointment, the consent of the quorum will be obtained. The rulings and decisions of the presiding officer pro-tem will have the same force and effect as those of the mayor. The mayor will be allowed to participate as any other council member.

SECTION 7 – PROCEDURES AT MEETINGS

Rule 7.1 Mayor's Duty

The mayor will call the council members to order at the hour designated for the meeting. The mayor may

compel attendance in accordance with council rule 2.3. Should there not be a quorum within fifteen (15) minutes the members present will adjourn until a quorum can be gathered or until the next scheduled meeting time established by the council or to the next regular meeting time.

Rule 7.2 Mayor’s Role

The mayor will preserve order and decorum, may speak to the points of order in preference to other members and will decide all questions of order subject to an appeal to a majority of council members. No member may speak more than once on an item concerning an appeal of the mayor's decision without permission of the council. If two or more members request the floor at once, the mayor will name who is to speak first.

Rule 7.3 Council

Members of the council shall observe decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.

Rule 7.4 Staff

Members of the city staff and all other persons attending meetings shall observe the council’s rules of proceedings and adhere to the same standards of decorum as members of council.

Rule 7.5 Address the Mayor

When any councilor is about to speak in debate or deliver any matter to the council, that councilor should respectfully address the mayor or presiding officer. The councilor should confine the remarks to the question under consideration and avoid addressing personalities.

Rule 7.6 Voting Required

Every councilor who is present will vote for or against the question before the council unless the council excuses that councilor from voting. Every councilor may refrain for just legal cause without being excused by the council. A Councilor will announce the legal reason or justification for abstaining from voting.

Rule 7.7 Discussion on Agenda Items

Agenda items may be considered at any time during the meeting. The mayor will control and determine the order items will be discussed.

Rule 7.8 Debate

The following rules shall govern the deliberation of any item being discussed by the council:

- A. Upon recognition by the presiding officer, every member desiring to speak shall address the presiding officer.
- B. Shall be a five-minute time limit, Only after all members have had the opportunity to debate, a member may be given additional time to speak.
- C. Shall confine him/herself to the question under debate.
- D. Shall at all times act and speak in a respectful manner.
- E. The member of the council moving the adoption of any ordinance or resolution shall have the privilege of opening or closing the debate.

Rule 7.9 Verbal and Electronic Crosstalk

Councilors should refrain from crosstalk during meetings, including exchanges between councilor in verbal, electronic, or written form. To further the purpose of the Oregon Public Meeting Law, discussion should be open and available to the public. Any exchange electronic or written occurring during a council meeting and related to City business, is a public record and should be provided to the City Recorder to be entered into the record.

Rule 7.10 Procedures on Motion

Generally, no motion will be considered unless it has been seconded. When a motion is seconded, the mover may withdraw the motion with the consent of the second at any time before discussion and before any amendment is proposed. Motions not requiring a second include division, point of order, parliamentary inquiry, response to hygiene issues, and other such procedural inquiries.

Rule 7.11 Reconsideration

When a question has been decided, it will be in order for a member who voted on the prevailing side to move for reconsideration at the same meeting or next following meeting only.

Rule 7.12 Failure to Follow Rules

Failure to follow the rules of the council in conducting business or to abide by the rules of procedure does not invalidate the decisions of the council nor will it be grounds to later challenge the validity of the decision.

Rule 7.13 First Reading of Ordinances

Section 17 of city charter provides that the council exercises its legislative authority by adoption of ordinances. Ordinances require the concurrence of a majority of the entire membership of the council. This section of the charter provides that an ordinance may be read by title only without having to read the ordinance fully in open council meeting if no council member present requests such reading and the ordinance is available in writing at least one (1) week before the meeting. By this rule, the council establishes the policy that an ordinance will be presented to the council for consideration and discussion at one (1) meeting prior to the passage of the ordinance. The ordinance may be finally acted upon at the first meeting that the ordinance is presented if a majority of the entire membership concurs. In that case the ordinance can be read by title only as provided in the city charter. In order to comply with the requirement that an ordinance be read in full, the exhibits or attachments to the ordinance will not have to be read as long as they are available in writing to the public at least one (1) week before the meeting.

Rule 7.14 Public Legislative Hearing

The council exercises legislative authority pursuant to Chapter IV of the city charter. The legislative authority is usually exercised by adoption of an ordinance. When the council conducts a public hearing concerning the exercise of its legislative authority, the council will follow the legislative hearing format. That format is hereby attached as Exhibit "1" to these rules and by this reference incorporated.

Rule 7.15 Public Administrative Hearing

The council exercises administrative authority pursuant to Chapter V of the city charter. Certain administrative actions require a public hearing be held. Examples include: sale of real property (ORS 221.725); imposing or raising a fee (ORS 294.160). When the council conducts an administrative public hearing, council will follow the administrative hearing format. That format is hereby attached as Exhibit "2" to these rules and by this reference incorporated.

Rule 7.16 Public Quasi-judicial Hearing

The quasi-judicial authority is usually exercised by adoption of an order pursuant to Chapter VI of the city charter. When the council conducts a public hearing concerning the exercise of its quasi-judicial authority, the council will follow the quasi-judicial hearing format. There are two (2) separate and distinct types of quasi-judicial public hearing procedures that will be used by the council, and they are as follows.

A. Quasi-judicial Land Use Public Hearing Procedure

Whenever the council is considering a land use matter, which requires a quasi-judicial land use hearing procedure, the council will use the procedure that is hereby attached as Exhibit “3” and by this reference is incorporated.

B. Quasi-judicial Non-Land Use Public Hearing Procedure

Whenever the council is considering a non-land use matter, which requires a quasi-judicial land use public hearing procedure, the council will use the procedure that is hereby attached as Exhibit “4” and by this reference is incorporated.

Rule 7.17 Ex-parte Contact

Whenever the council conducts a quasi-judicial public hearing, the council should declare any ex-parte contact. When the hearing conducted is a quasi-judicial land use public hearing, the ex-parte contact is governed by the appropriate state law concerning ex-parte contacts in quasi-judicial land use matters. Whenever the ex-parte contact concerns quasi-judicial non-land use public hearings, the councilor should attempt to clearly state any ex-parte contact. However, failure to state ex-parte contact will not be grounds to question, appeal, or overturn the decision of the council unless it can be shown that failure to declare the ex-parte contact constituted substantial prejudice to a party raising the objection.

Rule 7.18 Public Comment Registration

In order to properly notify citizens who participate in the hearing and to be able to send them information, it is necessary for the interested person to register at the council meeting before making oral comments and/or providing input at the meeting. The interested person shall register for each subject under which they wish to provide comment. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request. When the interested person addresses the council or gives oral comments, that person should state their name, but does not need to state their mailing address, phone number, or email address. A form complying with this rule will be available at all meetings of the council. The city manager is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.

Rule 7.19 How Interested Person Should Testify

Each interested person addressing the council should do so in a courteous and considerate manner. The person needs to register and follow other rules as provided in the council rules. The public will be furnished guidelines and should comply with these guidelines for testifying before the council. The document setting out the guidelines and helpful information to assist the public in testifying will be entitled, “How to Testify” that is hereby attached as Exhibit “5”. The city manager is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.

- A. If a member of the public wishes to speak on an item that is scheduled for a public hearing at

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

- B. Each person shall, prior to giving testimony, give his or her name, and shall indicate whether they are a resident of the city. All remarks shall be addressed to the council as a body and not to any member thereof.
- C. Councilors may, after recognition of the Mayor or presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline. **This is not a time for councilor deliberation.**
- D. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.

SECTION 8 – ENFORCEMENT OF COUNCIL RULES

Rule 8.1 Presiding Officer

The mayor or presiding officer, as described in Section 6, will enforce the council rules. In addition, the mayor or presiding officer has the authority to preserve decorum and will determine all points of order, subject to the right of any councilor to appeal to the council. The mayor or presiding officer will enforce order, prevent attacks on personalities or the impugning of members’ motives, and keep those in debate to the question under discussion.

Rule 8.2 Councilors

Councilors will when addressing staff or councilors confine themselves to questions or issues that are under discussion; will not engage in personal attacks; will not impugn the motives of any speaker; and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of office. Councilors will not attack the knowledge, skills, abilities and personalities or impugn city staff members’ motives in council or at any city meetings. In council meetings, councilors may discuss or suggest anything with the city manager related to city business.

Rule 8.3 Attire at Council Meetings

All persons at Council meetings will be properly attired in order to maintain the atmosphere of respect for the Council proceedings. Proper attire will include shirt and shoes that are appropriate for the public meetings similar to judicial proceedings. Attire may vary depending upon custom and tradition. This rule will not be used to infringe upon anyone’s freedom of religion or necessary attire for accommodation purposes. For example, men should remove their hats in council meetings; women may cover their heads as traditionally allowed; all “outside” headgear should be removed; dark glasses, unless medically-

necessary should be removed; a shirt or blouse should be worn; muddy shoes or boots should be removed; and shoes should be worn.

Rule 8.4 Removal of Any Person

Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the councilors present. The mayor or presiding officer may summon the assistance of the police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the mayor or presiding officer should fail to act, any councilor may obtain the floor and move to require enforcement of this rule; upon an affirmative vote of the majority of the councilors present. The police or administrative staff will be authorized to remove the person(s) as the mayor or presiding officer so directs.

Rule 8.5 Censure

The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of the council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, a majority of the entire membership of the council may take action to protect the integrity of the council and discipline the member with a public reprimand, removal from committee assignments, and/or the removal from the position of council president.

Rule 8.6 Use of Executive Session to Investigate Council Members Actions

The Council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b)

SECTION 9 – AD-HOC COMMITTEES

Rule 9.1 Structure of Ad-hoc Committees

The mayor will have the authority to form ad-hoc committees and may refer matters to the appropriate committee.

Rule 9.2 Duty of Ad-hoc Committees

The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. The mayor will establish the membership criteria for the ad-hoc committees. Residency may be a required criterion but does not have to be a required criterion.

Rule 9.3 Appointment of Ad-hoc Members

The mayor will appoint members of the ad-hoc committees, subject to council ratification. The mayor will designate the chair person and the vice chair. Membership on the committees will be appointed as needed to advise the council on specific programs or projects. Members will continue to serve until their mission is accomplished, replacement or reappointment.

Rule 9.4 Functions of Ad-hoc Committees

Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council. The council has the authority to follow the recommendations, change the recommendations, refer the matter back to the committee or take any other action the Council deems appropriate.

Rule 9.5 Removal of Members of Ad-hoc Committee

The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two (2) consecutive meetings of the committee without being excused prior to the meeting. The mayor has the authority to grant an excused absence and in the mayor's absence, the committee chair has the authority.

Rule 9.6 Meetings of the Ad-hoc Committees

The meeting time and place of the committees will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet. However, a majority of the committee, as determined by telephone poll or electronic poll, may request a meeting of the committee. Meetings are public meetings and will be conducted in accordance with the OPML.

Rule 9.7 Staff Support of Ad-hoc Committee

The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee. The city manager will assign the specific duties to the staff supporting and working with the membership of the ad-hoc committees. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

Rule 9.8 Ex-officio Members of Ad-hoc Committees

The mayor, city manager, and the city attorney will be ex-officio, non-voting members of all ad-hoc committees and will not be used in determining a voting quorum. The ex-officio members may attend any committee meeting. If they attend, they may participate in the discussion as is appropriate. However, they

are not required to attend committee meetings.

SECTION 10 – ELECTRONIC COMMUNICATIONS

Rule 10.1 Electronic Communications

All councilors will observe the following guidelines when using an electronic method for communication (including but not limited to, email, social media, or other forms of electronic communication) in their elected roles:

A. **Subject to Disclosure**

All council e-mail correspondence or social media posts related to city business are governed by the Oregon Public Records and Meetings Laws and subject to disclosure.

B. **Purpose of Email**

E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the council, the city manager, or city department directors.

C. **Not Appropriate for Policy Issues with a Quorum**

E-mail or social media sites may not be used to discuss policy issues with a quorum of the council at one time or a quorum of an advisory body in any manner which would be in violation of the OPML.

SECTION 11 – PROCLAMATIONS

Rule 11.1 Request for Proclamations

Organizations, citizens, or councilors may request proclamations that declares a specified date or dates to recognize the efforts of various community groups and individuals. Upon receipt, the city recorder will notify the mayor of the request. Upon the approval of the mayor, the city recorder will prepare the proclamation for the mayor's signature.

Rule 11.2 Reading of Proclamations

At the discretion of the mayor, a proclamation will be read at the council meeting and presented or mailed to the requesting organization or group.

SECTIONS 12-19 – *[RESERVED FOR EXPANSION]*

SECTION 20 – MISCELLANEOUS

Rule 20.1 Amendments to Council Rules

Amendments to these council rules will be made by resolution.

OUTLINE FOR PUBLIC HEARING

Newberg City Council

▶ ADMINISTRATIVE HEARING ◀

1. CALL TO ORDER

OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

3. STAFF REPORTS

4. PUBLIC TESTIMONY

A. Mayor Announces Time Limits

B. Citizen Testimony

1. Invites citizen to the table to speak into the microphone.
2. Inform citizen to state name at beginning of testimony.
3. Remind citizen to briefly state input.
4. Order of Citizens' Testimony.
 1. Proponent
 2. Opponent
 3. Undecided

C. Close of Public Testimony

5. RECOMMENDATIONS FROM STAFF

6. COUNCIL DELIBERATION

7. DECISION

A. Resolution – Action usually requires passage of resolution

B. Vote – Voice vote is permitted

C. Majority of the Quorum is required for passage

D. Combination – Can be combined with other council action

OUTLINE FOR PUBLIC HEARING
Newberg City Council

► LEGISLATIVE HEARING ◀

1. CALL TO ORDER

OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

3. STAFF REPORTS

4. PUBLIC TESTIMONY

A. Mayor Announces Time Limits

B. Citizen Testimony

1. Invites citizen to the table to speak into the microphone.
2. Inform citizen to state name at beginning of testimony.
3. Remind citizen to briefly state input.
4. Order of Citizens’ Testimony.
 1. Proponent
 2. Opponent
 3. Undecided

C. Close of Public Testimony

5. RECOMMENDATIONS FROM STAFF

6. COUNCIL DELIBERATION

7. DECISION

A. Ordinance – Action usually requires passage of ordinance

B. Roll Call Vote – Vote is done by roll call

1. By title only
2. Reading in full
3. “First Reading” council rule

C. Majority of Entire Membership – Ordinances require majority of entire membership for passage

D. Combination – Can be combined with other council action

Newberg City Council

QUASI-JUDICIAL LAND-USE PUBLIC HEARING PROCEDURE (Land Use)

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

**CITY ATTORNEY LEGAL ANNOUNCEMENTS:
READ “[Quasi-Judicial Announcements](#)” Sheet**
3. STAFF REPORT
4. PUBLIC TESTIMONY

**Time Limits: A. Mayor sets time limits
B. Citizen goes to witness table, states name & presents testimony**

 - A. PROPONENTS (Principle Proponent/s first, then others or undecided)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL
5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR
6. PUBLIC AGENCY LETTERS OR COMMENTS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING

CITY ATTORNEY LEGAL ANNOUNCEMENTS
8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. ACTION BY THE CITY COUNCIL
 - A. ORDER – Usually requires passage of order.
 - B. VOTE – Voice vote is permitted.
 - C. MAJORITY OF A QUORUM – Requires majority of the quorum for passage.
 - D. COMBINATION – Can be combined with other council action; separate vote on each action is required.

Newberg City Council

QUASI-JUDICIAL NON-LAND-USE PUBLIC HEARING PROCEDURE (Non-Land Use)

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY, PROCEDURE, AND TIME ALLOTMENTS
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

**CITY ATTORNEY LEGAL ANNOUNCEMENTS:
READ “[Quasi-Judicial Announcements](#)” Sheet**

3. STAFF REPORT
4. PUBLIC TESTIMONY
 - Time Limits: A. Mayor sets time limits
 - B. Citizen goes to witness table, states name & presents testimony
 - A. PROPONENTS (Principle Proponent/s first, then others or undecided)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL

5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR
6. PUBLIC AGENCY LETTERS OR COMMENTS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING

CITY ATTORNEY LEGAL ANNOUNCEMENTS

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. ACTION BY THE CITY COUNCIL
 - A. ORDER – Usually requires passage of order.
 - B. VOTE – Voice vote is permitted.
 - C. MAJORITY OF A QUORUM – Requires majority of the quorum for passage.
 - D. COMBINATION – Can be combined with other council action; separate vote on each action is required.