

# CITY OF MEDFORD

## CITY COUNCIL



# RULES OF PROCEDURES

### **Authority**

It shall, by ordinance enacted by two-thirds vote of the whole Council, adopt rules for the government of its members and proceedings.<sup>1</sup>

The Council shall review these rules periodically and not less frequently than every two years at its second meeting in January of odd-numbered years to coincide with the possible election of new Council members. Amendments shall be adopted by ordinance, as required by the Charter. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations or provisions of the City Charter.

The Council may by majority vote in an open Council meeting waive any Council rule for a specific situation.

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<sup>1</sup> Charter Chapter IV, Section 13



**MEDFORD**  
OREGON



CHAPTER 1 General Governance.....2

CHAPTER 2 Meeting Time, Frequency and Location ..... 9

CHAPTER 3 Ordinances and Resolutions.....12

CHAPTER 4 Land Use Hearings ..... 14

CHAPTER 5 Motions, Debate, Voting and Minutes..... 18

CHAPTER 6 Appointments .....21

CHAPTER 7 Ethics, Decorum, Outside Statements.....25

CHAPTER 8 Interactions with Staff & City Attorney..... .30

CHAPTER 9 Censure [and Removal].....31

CHAPTER 10 Amendment and Repeal.....33



## **CHAPTER 1**

### **I. Rules of Procedure**

The presiding officer shall conduct all meetings of the Council in accordance with Robert's Rules of Order, Revised ("Robert's Rules"). However, the validity of an act of the Council shall not be affected by failure to observe Robert's Rules of Order, Revised.<sup>2</sup> Notwithstanding this provision and the provisions of Medford Municipal Code ("MMC") 2.010, Chapter 5 of these Rules apply to Council proceedings when inconsistent with Robert's Rules.

### **II. Quorum.**

- A. A majority of members of the Council shall constitute a quorum necessary for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.<sup>3</sup>
- B. The Mayor, or in his absence the Council President or Vice-President, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the City Recorder shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.<sup>4</sup>
- C. Councilors unable to attend a meeting for pre-planned or unexpected reasons must notify the City Recorder and City Manager as soon as the member knows they will be absent. In the event of an extended absence of two or more meetings, Councilors shall provide written notice to the Mayor, Council President and City Manager. Absence from the City for over 30 days without the Council's consent or from all meetings of the Council within a 90 day period creates a vacancy.<sup>5</sup>

### **III. Presiding Officer**

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<sup>2</sup> MMC 2.010 Meeting Procedure

<sup>3</sup> Charter Chapter IV, Section 14

<sup>4</sup> MMC 2.035 Quorum

<sup>5</sup> Charter Chapter VII, Section 25

- A. The Mayor shall be the presiding officer of the City Council but shall not vote upon any question except in case of a tie and the Mayor shall then cast the deciding vote.<sup>6</sup> As recognized under Chapter 6, Section II.B. of these Rules, the Mayor is permitted to vote for the appointment of persons to serve on City boards, committees and commissions as authorized by ordinance.
- B. At its first meeting of each year, the Council shall elect a president and vice-president from its membership. In the Mayor's absence from a Council meeting, the president, or in the president's absence the vice president, shall preside over it, but shall retain the right to vote on each question. In any event, the president or vice-president may vote only once on each question before the Council. Whenever the Mayor is unable to perform the other functions of the office, the president, or in the president's inability the vice-president, shall act as Mayor.<sup>7</sup>

#### **IV. Other Elected and Appointed Officers**

- A. The Manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The Manager may take part in all Council discussions.<sup>8</sup>
- B. The recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep accurate record of its proceedings, and sign all orders on the treasury.<sup>9</sup>
- C. City Attorney. The city attorney is authorized to sit with Council and attend any meeting of the council, and will, upon request or to prevent procedural, ethical or legal deviations by Council, give an opinion, either written or oral, on legal questions.

#### **V. Agendas**

- A. The manager shall prepare an agenda of the business to be presented at a regular council meeting. Agenda items should be submitted at the time determined by the city manager per Administrative Regulation. The agenda shall be prepared in accordance with section 2.050. Councilmembers and the mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda.<sup>10</sup>

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<sup>6</sup> Charter Chapter V, Section 17

<sup>7</sup> Charter Chapter IV, Section 15

<sup>8</sup> Charter Chapter V, Section 18(4):

<sup>9</sup> Charter Chapter V, Section 21

<sup>10</sup> MMC 2.040 Agenda

- B. Council Officers shall meet, as needed, to discuss items of interest/concern that may require Council action in open meetings or executive sessions and shall advise the City Manager on the agenda priority of such items.

## **VI. Order of Business**

The order of business at council meetings shall be as follows:

- (a) Roll call
- (b) Recognitions, community group reports
- (c) Oral request and communications from the audience
- (d) Approval or correction of the minutes of the preceding meeting
- (e) Consent calendar
- (f) Items removed from the consent calendar, if any
- (g) Ordinances and Resolutions
- (h) Public Hearings
- (i) Council Business (including propositions and remarks from the mayor and council members)
- (j) Manager and staff reports
- (k) Adjournment

The order of business at council meetings is subject to change at the discretion of the presiding officer in accordance with the needs of the Council. Upon motion and second, any change in the order of business by the presiding officer may be overridden or changed by majority vote of council members present.<sup>11</sup>

### **Roll Call**

The city recorder shall conduct a roll call to determine which members of the council are present and which are absent.

1. The attendance shall be properly reflected in the minutes.
2. If roll call determines that a quorum is not present, the City Recorder shall immediately attempt to inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed. If it is determined that a quorum cannot be obtained within a reasonable period of delay, the meeting shall be adjourned.

### **Recognitions, community group reports**

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<sup>11</sup> MMC 2.050 Order of Business

Reserved for employee recognitions and reports from agencies or other community groups with information relevant to City business.

## **Oral Requests and Communications**

### Public Comment

- A. A period for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time to continue at the end of Council Business. Public comment shall be limited to items placed on the agenda, other than public hearings, or any other city business issue.
- B. Persons wishing to speak during public comment must complete a "request to speak" form with the person's name and address and the topic upon which the person wishes to speak, not later than five minutes after the Public Comment has been opened by the Mayor or presiding officer. All remarks shall be addressed to the council as a body and not to any member thereof.
- C. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about any quasi-judicial matter, including land use; 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.
- D. Speakers are limited to two minutes. Generally, speakers will be called upon in the order in which they have submitted their request to speak form, prioritizing Medford residents. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address [or the ward in which they reside]. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30- minute period.
- E. Should there be more speakers than can be heard for two minutes each during the period provided for public comment, the presiding officer may sort the

requests to speak in order to afford the greatest opportunity for each topic to be heard.

- F. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questions and responses to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.
- G. 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 prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.

#### Written Comment

- A. Unsolicited communications to the mayor and/or council concerning matters on the agenda, other than public hearings, or any other city business issue shall be provided to the council, and be individually itemized in the minutes if received by noon the day of the meeting.
- B. Unsolicited communications to the mayor and/or council concerning matters that are not clearly identified for inclusion under the agenda item intended for public comment shall be forwarded to the mayor and/or council but shall not be included in the minutes.
- C. Anonymous and unsigned communications shall not be introduced in Council meetings.
- D. The city manager may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

#### Consent Agenda

In order to make more efficient use of meeting time, the manager shall place all ordinances and resolutions which are routine in nature and concerning which no debate is expected on a "consent calendar." Any item placed on the consent calendar

shall be removed at the request of the mayor or a councilmember prior to the time a vote is taken on the consent calendar items. All remaining items on the consent calendar shall be disposed of by a single motion "to adopt the consent calendar," which shall not be debatable. Adoption of the consent calendar shall be by the affirmative vote of all councilmembers present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the consent calendar shall be voted upon separately in the usual manner.<sup>12</sup>

## Ordinances and Resolutions – see Chapter 3

### Public Hearings

#### Generally

1. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
2. Persons wishing to speak shall sign a request to speak form with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.
3. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address [or identify the ward in which they reside.] For land use matters, persons offering comment are required to provide an address for purposes of mailing final decisions. All remarks shall be addressed to the council as a body and not to any member thereof.
4. For matters that are legislative or administrative and are not quasi-judicial, comments are limited to 4 minutes per individual, group or organization.<sup>13</sup>
5. For quasi-judicial matters, comments are limited to a total of 30 minutes for applicants and/or their representatives. They may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All other participants will be limited to 4 minutes.<sup>14</sup>

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<sup>12</sup> MMC 2.045 Consent Calendar

<sup>14</sup> Current Agenda Language

<sup>13</sup> Current Agenda Language



Land Use Matters – See Chapter 4

**Council Business**

The council liaison shall provide regular updates to the entire Council as to the concerns or issues for this board or commission during a Council meeting, under the Committee Reports and Communications portion of the agenda.

**Manager and Staff Report**

To focus on reporting on progress on Council goals and related work plan, as well as other timely community or City-related announcements.



## **CHAPTER 2**

### **I. Regular Meetings**

- A. Unless the Council sets a different date and time for a particular meeting, the Council shall meet at 6:00 p.m. on the first and third Thursdays of each month in the Council Chambers. If business is not finished by 10:00 p.m., the Mayor shall adjourn the meeting, unless a majority of the Councilmembers present vote to continue in session. Unfinished business shall automatically be placed on the next regular Council agenda, unless the Council specifies a different time for consideration of such items. On holidays, the Council shall meet on the Thursday next following the holiday.<sup>15</sup>
- B. In the event Council Chambers is not available for a meeting, the council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.
- C. In the event Council meetings are held virtually due to state restrictions with public gatherings, such as pandemic-related constraints, council shall meet virtually using published operation protocols. No in-person public comments will be heard under the oral comments agenda Item during the meeting, but in-person comments may be received during public hearings. The City Council encourages written comments. Comments may be submitted by regular mail to City Council, 411 W. 8th Street or by email at [publiccomments@cityofmedford.org](mailto:publiccomments@cityofmedford.org). Comments must be received by noon the date of the meeting to be noted in the record.

### **II. Special Meetings**

- A. The Mayor or any two Councilmembers may call a special meeting of the Council. Notice of a special meeting shall be in such form and delivered or otherwise given in such manner as may be prescribed by the Council's rules of government and state statute.<sup>16</sup>
- B. The rules of procedure for special sessions shall be the same as provided for regular sessions of the council insofar as the provisions of sections 2.010 to

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<sup>15</sup> MMC 2.005 Meeting Time

<sup>16</sup> Charter Chapter IV, Section 13

2.075 are applicable.<sup>17</sup>

### **III. Executive Sessions**

Executive Sessions. An executive session (meeting closed to the public) may be held in accordance with state law. Care will be taken to ensure that proper and timely notice is made in accordance with statutory requirements. Executive sessions may be held during, or in conjunction with, regular, special or emergency meetings, so long as appropriate statutory requirements are met.

- A. No formal actions can be taken during an executive session. When the Council reconvenes in open session, formal action may be taken. Only the Council, City Manager, City Recorder and specific staff members, news media representatives and others specifically invited can attend an executive session.
- B. A major reason for allowing members of the news media to attend executive sessions is to ensure that the issues discussed are proper subjects and actions under the state laws related to executive sessions and to keep them informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. Members of the press shall be told that they may not report the substance of an executive session.
- C. Minutes or a recording of executive sessions are required.
- D. Material discussed during an executive session should not be disclosed outside the executive session or other privileged communications.

### **IV. Study Sessions**

- (1) Council public study sessions shall be held on the second Thursday when there is not a regular city council meeting at 6:00 p.m. in City Hall with the option to utilize the fourth Thursday for special and time sensitive subjects. Additional days may be utilized at the request of the Council or City Manager. Any study session may be canceled at the discretion of the City Manager, unless the session was specifically requested by the council. If a meeting falls on a holiday, it shall not be held.
- (2) A quorum is not required for a study session and members are not under any obligation to attend.
- (3) The purpose of a study session shall be for councilmembers to informally receive background information on city business and to give councilmembers an opportunity to ask questions and to express their individual views.
- (4) Particular cases involving quasi-judicial decisions shall not be discussed at study sessions.

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<sup>17</sup> MMC 2.015 Special Sessions Procedure

- (5) No decision shall be made and no vote shall be taken at any study session, except on a point of order.
- (6) The agenda for a study session shall be made up by the City Manager and distributed at least 24 hours in advance. The council may, at any regular meeting, direct the City Manager to schedule appropriate matters which the council wants discussed at study sessions. However, appropriate non-agenda items may be discussed if a majority of members present agree.
- (7) Minutes of each study session shall be kept by the City Recorder or Deputy Recorder and filed in the Recorder's office. Council approval of such minutes is not required.
- (8) The study session agenda shall be posted in City Hall and made available to interested persons including news media which have requested notice at least 24 hours prior to the meeting.
- (9) The rules contained in this section may not be suspended.<sup>18</sup>

#### **V. Notice**

The city recorder, or other appropriate City staff, shall provide notice of all meetings in accordance with Oregon's public meeting law, Medford Municipal Code section 10.124 and other applicable federal or state laws or regulations.

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<sup>18</sup> MMC 2.080 Study Sessions



## **CHAPTER 3**

### **I. Ordinances**

A. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, the City of Medford ordains as follows:<sup>19</sup>

#### MODE OF ENACTMENT.

1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the Council shall, before being put on its final passage, be read fully and distinctly in open Council meeting on two different days.

2) If such ordinance has been available for public inspection in the office of the City Recorder not less than three days prior to the meeting, the ordinance, and any amendments thereto, may be enacted at a single meeting of the Council unless there is more than one dissenting vote, upon being read first as in this chapter provided.

3) Any of the readings may be by title only, if no Councilmember present at the meeting requests to have the ordinance read in full, or if a complete copy of the ordinance is provided for each Councilmember prior to the meeting.<sup>20</sup>

B. Subject to the provisions of sections 2.010 to 2.075, ordinances and resolutions shall be introduced and passed at regular or special sessions of the council. Before introduction, all proposed ordinances and resolutions shall be delivered to the recorder, who shall endorse on them the council bill number assigned to each. The number shall begin with the year in which the bill was introduced followed by the consecutive number identifying each bill, beginning each year with the number 1 for the first bill of that year (i.e., 2021-1, 2021-2, etc.). Proposed ordinances and resolutions shall from the time of numbering be referred to in the minutes or records of the recorder as council bills.<sup>21</sup>

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<sup>19</sup> Charter Chapter VIII, Section 27

<sup>20</sup> Charter Chapter VIII, Section 28

<sup>21</sup> MMC 2.020 Ordinance and Resolution Procedure

Motions, Debate, Voting on ordinances and resolutions – See Chapter 5

The recorder shall record all ordinances passed by the council and approved by the mayor in a book to be kept for that purpose.<sup>22</sup>

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<sup>22</sup> MMC 2.025 Ordinance Recording



## **CHAPTER 4**

### **I. General Conduct of Hearings.**

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

### **II. Quasi-Judicial Land Use Matters.**

The contents of this section shall govern the conduct of all quasi-judicial public hearings before an advisory body/approving authority. A copy of this section shall be available for public inspection at each quasi-judicial hearing and in the Planning Department. The conduct of public hearings on legislative matters shall be at the discretion of the presiding officer.

- A. Nature of Hearing. All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

- B. Authority of Presiding Officer. The presiding officer of the advisory body/approving authority shall have authority to:
- 1) Regulate the course and decorum of the meeting.
  - 2) Dispose of procedural requests and similar matters.
  - 3) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.
  - 4) Question any person appearing, and allow other members to question any such person.
  - 5) Waive, at their discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party their substantial rights as provided herein or otherwise by law.
  - 6) Take such other action as authorized by the approving authority to appropriately conduct the hearing.
- C. Challenge or Reversal of Presiding Officer Ruling. A ruling of the presiding officer may be challenged by any member of that advisory body/approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.
- D. Conduct of Participants. Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or exclude from the hearing anyone who:
- 1) Is disorderly, abusive, or disruptive;
  - 2) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing;
  - 3) Testifies without first receiving recognition from the presiding officer and stating his full name and residence; and,
  - 4) Presents irrelevant, immaterial, or repetitious evidence.
- E. Order of Procedure. The presiding officer shall conduct the hearing in an orderly fashion, within the guidelines set forth herein. The hearing shall proceed in the following manner:
- 1) Commencement: At the commencement of a hearing under a Comprehensive Plan or land use regulation, a statement shall be made to those in attendance that lists the applicable substantive criteria; states that testimony and evidence must be directed toward the criteria described in this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and states that failure to raise an issue with sufficient



- specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue.
- 2) Abstentions, Conflict of Interest and Challenges. All members shall comply with ORS 244.120 and 244.130 regarding actual or potential conflicts of interest. Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.
  - 3) Planning Director's Report. The presiding officer shall request that the Planning Director or staff member report on the criteria and standards and the basic factual evidence applicable to the case and indicate the action required to be taken.
  - 4) Applicant's Case. The presiding officer shall allow the applicant or applicant's representative to present evidence in support of the application. The applicant shall be allowed to produce witnesses on their behalf. Other parties in favor of the proposal shall thereafter be allowed to present their evidence. Applicant may then reserve time for rebuttal. The Planning Director may appear as an applicant on a staff proposal.
  - 5) Opponent's Case. The presiding officer shall allow opponents to present evidence in opposition to the proposal. Opponents shall be allowed to produce witnesses on their behalf.
  - 6) Questioning of Witnesses. Cross examination shall be permitted as per Section 10.132.
  - 7) Applicant's Rebuttal if Reserved.
  - 8) Staff Summary and Recommendations. The Planning Director or staff person may present any additional evidence, comments and recommendations at the close of the hearing.
  - 9) Final Discussion. Upon conclusion of the evidence, members shall be allowed to openly discuss the proposal and further question any party appearing for or against the proposal as necessary.
  - 10) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178, "120 Day Rule."
  - 11) When the advisory body/approving authority re-opens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.

12) The failure of the property owner to receive notice as provided in Section 10.124 shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was mailed. The notice provisions contained in Section 10.124 shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

F. Standing. A person has the right to appear as a party to a quasi-judicial proceeding if the person:

- 1) received official written notice of the hearing or was entitled to receive such notice, or
- 2) has interests which could be adversely affected by the decision.<sup>23</sup>

### **III. Legislative Land Use Matters.**

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

1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case. For matters that are legislative or administrative and are not quasi-judicial, comments are limited to 4 minutes per individual, group or organization.<sup>24</sup> For citizen initiated code amendments the presiding officer may allow additional time for the applicant(s) to comment.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

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<sup>23</sup> MMC 10.130 Due Process Element 5: Public Hearings

<sup>24</sup> Current Agenda Language



## **CHAPTER 5**

**I. Motions.** All motions shall be distinctly worded.

A. The following rules shall apply to motions:

- 1) If a motion does not receive a second, it dies.
- 2) The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
- 3) Any motion can be reduced to writing if requested by a member of the council and approved by the majority.
- 4) A motion to amend can be made to a motion that is on the floor and has been seconded. Only one amendment can be considered at a time. No secondary amendments can be made until the initial amendment has been put to a vote.
- 5) A motion may be withdrawn by the mover at any time with the consent of the second.
- 6) Amendments are voted on first, then the main motion if voted on as amended.
- 7) A call for the question is intended to close the debate on the main motion; requires a second and is not debatable.
  - a) A call for the question fails without a majority vote.
  - b) Debate on the main subject resumes if the motion fails.
- 8) The Mayor breaks a tied Council vote. In the Mayor's absence, a motion that receives a tie vote fails.
- 9) The presiding officer shall repeat the motion in substance prior to a vote.
- 10) A motion to adjourn cannot be amended.

B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

- 1) No motion to reconsider shall be made more than once.
- 2) The motion to reconsider shall be made before the final adjournment of the meeting when the item goes out of possession of the council.

**II. Debate.** The following rules shall govern the debate of any item being discussed by the council:

- A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine themselves to the question under debate, at all times acting and speaking in a respectful manner.
- B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

### **III. Voting**

- A. Except as this charter otherwise provides, the express concurrence of a majority, but not less than three, of those voting on the question shall be necessary and sufficient to decide any question before the Council.<sup>25</sup>
- B. 1) Only a member who is present shall be permitted to vote when the "ayes" and "nays" on a question are called for. Presence shall be determined by the following:
  - a) When a member' name is called in the regular order, in the case of a roll call vote; or
  - b) In any other case, when the question is put.
- 2) The president of the council or a councilmember acting as president pro tem may vote on all questions in all cases in which they might vote if not so acting.
- 3) On a motion to adopt an ordinance, or to adopt a resolution authorizing any disposition of public funds, or in the course of special assessment proceedings, there shall be a roll call vote. On all other motions it is sufficient to put the question in the following form: "All in favor say 'aye', opposed 'nay'." If the presiding officer is then uncertain of the votes cast or if a division is called for, the presiding officer shall call for a roll call vote.

[Summary: A roll call vote is only required for a) an ordinance; b) a resolution authorizing disposition of public funds; c) special assessment proceedings; and d) calls for division.]

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<sup>25</sup> Charter Chapter IV, Section 16

4) In order to carry an authorization to expend public funds, at least three members of the council shall vote affirmatively for the proposition.<sup>26</sup>

**IV. Minutes.** Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.

- 1) Council meeting minutes shall contain:
  - A. The name of Council members present.
  - B. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
  - C. The result of any votes, including ayes and nays and the names of the
  - D. Council members who voted.
  - E. A brief summary of the substance of the discussion on any matter.
  - F. Reference to any document discussed at the meeting.
- 2) The Council may amend the minutes to more accurately reflect what transpired at a meeting. Upon receipt of the minutes in the Council agenda packet, the Council members should read them and if possible submit any changes, additions or corrections to the City Recorder in order that the recording of the meeting can be reviewed and a corrected copy can be prepared prior to the meeting for approval. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes the change by majority vote.

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<sup>26</sup> MMC 2.055 Voting



## CHAPTER 6

### I. City Staff

- A. 1) The Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. 2) The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council.<sup>27</sup>
- B. The judge shall be appointed by the Mayor, with the approval of the Council for a term of three years, subject to being removed by a two-thirds vote of the whole Council for cause as defined by ordinance in effect prior to the occurrence of the grounds for cause.<sup>28</sup>

### II. Boards & Commissions

- A. Except as otherwise provided herein or by ordinance, the Mayor shall appoint the members of committees or commissions of the City.<sup>29</sup>
- B. Medford Municipal Code or state law outlines the appointments for the following boards and commissions:
- 2.438 Arts Commission: Appointed by Parks & Recreation Commission. Youth: Appointed by Parks & Recreation Commission
  - 2.454 Bicycle & Pedestrian Advisory Committee: Appointed by Mayor and Council
  - ORS 294.414 Budget Committee: Appointed by Mayor and Council
  - 2.204 Cemetery Commission: Appointed by Parks & Recreation Commission. Youth: Appointed by Mayor
  - 2.437 Commission on Access, Diversity, Equity & Inclusion: Appointed by Mayor and Council
  - 2.441 Community Services and Development Commission: Appointed by Mayor and Council
  - 2.448 Hospital Facilities Authority Board of Directors: Appointed by Mayor and Council
  - 2.439 Housing Advisory Commission: Appointed by Mayor and Council

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<sup>27</sup> Charter Chapter V, Section 18

<sup>29</sup> Charter Chapter V, Section 17

<sup>28</sup> Charter Chapter V, Section 20

10.110 Landmarks & Historic Preservation Commission: Appointed by Mayor and Council  
2.447 Parking Committee: Appointed by Mayor and Council  
2.461 Parks & Recreation Commission: Appointed by Mayor and Council. Youth: Appointed by Mayor  
10.110 and ORS 227 Planning Commission: Appointed by Mayor and Council  
2.427 Police Advisory Committee: Appointed by Council (Mayor not included)  
10.110 Site Plan & Architectural Commission: Appointed by Mayor and Council  
2.457 Traffic Coordinating Committee: Two members are appointed by the Transportation Commission.  
2.451 Transportation Commission: Appointed by Mayor and Council  
2.475 Unified Appeal Board: Appointed by Mayor and Council.  
ORS 294 Urban Renewal Agency Budget Committee: At large members appointed by Mayor and Council.  
Charter Chapter V, Section 19: Water Commission: Appointed by Mayor; confirmed by Council  
[Note: Where City Council has, by ordinance, provided that the "Mayor and Council" shall appoint members of the above-named boards and commissions, the Mayor is authorized to vote on those appointments.]

### **III. Council Liaison to Boards and Commissions**

1) At the second regular City Council session of a new calendar year, the Council president shall appoint Council liaisons to the following City Boards and Commissions:

- Hospital Facilities Authority (2 positions)
- Rogue Valley Area Commission on Transportation (RVACT)
- Rogue Valley Council of Governments (RVCOG)
- Rogue Valley Metropolitan Planning Organization (RVMPO)
- Regional Rate Committee (2 positions)
- Southern Oregon Regional Economic Development Inc. (SOREDI)
- Housing Advisory Committee
- Parking Committee
- Parks & Recreation Commission
- Police Advisory Committee
- Transportation Commission
- TRADCO
- Chamber Board
- Travel Medford Board
- Medford Water Commission

6) Some boards and commissions are not City of Medford boards and commissions, but instead include a member from the governing body of the City as a voting member of the board or commission. In these instances, the council member may act as a voting member of the Board, not as a council liaison. Those council members, when appropriate, should obtain direction from the entire council prior to voting on a matter. Staff appointed as representatives, including alternates, to such boards and commissions shall follow the guidelines of this subsection.<sup>30</sup>

#### **IV. Council Vacancies**

A. Vacant elective offices in the City shall be filled by a majority vote of the whole Council. <sup>31</sup>

B. 1) Before filling a vacancy in an elective office, the Council shall:

- a) Cause a notice of the vacancy to be published once a week for two consecutive weeks in the newspaper published in the city that has the largest local circulation. The notice shall indicate the vacant position and state the deadline for submitting a written application for the position, which shall not be less than 30 days after first publication. The City may supplement this notice through other means, including but not limited to social media or the City's website.
- b) Prescribe a form of application to be used by all applicants and a form of nominating petition to be signed by 25 electors of the applicant's ward. Until the Council directs otherwise by motion or resolution, the existing form of "Candidate Information Sheet" (CMO/101) may be used by applicants.
- c) Appoint a committee of five citizens from the applicants' ward to interview all applicants and make recommendations to the Council as to who is most qualified to represent the ward with the vacancy.
- d) Offer all eligible persons who submitted an application and a nominating petition signed by 25 electors of his or her ward before the deadline an opportunity to appear before both the citizen's committee and the Council for interviews.

2) No one shall be selected to fill a vacancy in elected office unless that person applied in writing, presented a nominating petition signed by 25 electors of his or her ward and appeared in person before both the citizens committee and

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<sup>30</sup> MMC 2.436 Council Liaison

<sup>31</sup> Charter Chapter VII, Section 26



the Council for interviews. If the Council is not satisfied with the field of applicants, it may repeat the process as many times as it deems necessary. Once an applicant has submitted an application and has been interviewed, it is not necessary to submit a new application or appear for another interview for the same position, unless specifically requested by the Council to do so.

- 3) The procedures listed in this section shall not commence until after the Councilmember has actually vacated his or her position on Council. As used in this section, "vacancy" refers to an actual vacancy where a Councilmember has already ceased his or her role as a Councilmember, and not a declared intent to vacate the position in the future.
- 4) The procedures for filling the Council vacancy prescribed by this section shall not be temporarily suspended. Notwithstanding this prohibition, the procedures for forming a citizens' committee described in subsection (1)(c) may be suspended if the actual vacancy occurs less than 120 days prior to an election where the vacant seat will be filled, in which case the procedures regarding the citizens' committee may be suspended upon a vote of the majority of Council members present. This vote may take place before or after the actual vacancy, but if it occurs before the actual vacancy, the vacating member shall recuse himself or herself from that vote.
- 5) The procedures as set forth will commence within 45 days of the vacancy and shall not thereafter be unreasonably delayed.<sup>32</sup>

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<sup>32</sup> MMC 2.085 Filling Certain Vacancies



## **CHAPTER 7**

### **I. Ethics**

A. 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:

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

B. Each councilmember shall be entitled to vote when present at a regular or special meeting of the council, except that a councilmember shall not vote when they have a conflict of interest. A conflict of interest exists if the action to be taken can confer on them a significant economic benefit or impose a significant economic loss not shared by the public generally. If there is such a conflict of interest, the councilmember shall identify it before taking part in any discussion.<sup>33</sup>

### **II. Decorum**

(1) Except by permission of the presiding officer, a councilmember shall address any remarks to the council, and not to the audience. Upon recognition and with permission of the presiding officer, a person in the audience may address the council relative to any matter being considered by the council at that time.

(2) All members shall preserve order and decorum during meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer.

(3) All members shall:

- (a) confine themselves to questions or issues then under discussion;

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<sup>33</sup> MMC 2.070 Conflict of Interest

- (b) not engage in personal attacks;
- (c) not impugn the motives of any speaker;
- (d) not chastise, denigrate, or criticize anyone;
- (e) set an example of good ethical conduct; and
- (f) at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.<sup>34</sup>

In general, Council members shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services and keeping informed concerning the matters coming before the Council. Council members must abide by all decisions of the Council, whether or not the member voted on the prevailing side. Abiding by decisions of the Council does not preclude a Council member from advocating for repeal or amendment of the decision.

**City Council Ground Rules. Mayor and Council members shall:**

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 of staff in advance whenever possible
9. Active listening – Listen to understand, not to respond
10. WAIT – Why am I talking? / Why aren't I talking?
11. Stay on topic
12. Provide actual direction
13. Be respectful to all (MMC 2.065 Decorum)
14. Follow functional procedural rules
  - Amendments, tabling, vote on items (piece meal)

**Staff and Public Conduct:** The rules of conduct for members of city staff and the public shall generally be the same as for the Council. Per Case Law *State v. Seidel*, the presiding officer has the ability to order a member of the public removed for the duration of a public meeting for disrupting the meeting, and have that individual arrested if they refuse to leave the meeting when instructed.

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<sup>34</sup> MMC 2.065 Decorum

**Electronic Communications During Meetings:** "Electronic communications" means email, text messages, virtual meeting chat or other forms of communications transmitted or received by technological means. "Electronic communications devices" means laptop computers, smart phones, cell phones, notebooks, or other similar devices capable of transmitting or receiving messages electronically.

Any electronic communications regarding a quasi-judicial matter to be considered by council is an ex parte contact and shall be disclosed as required by law.

### **Virtual Meetings:**

#### **Before the meeting:**

1. Take measures to minimize interruptions and distractions.
2. If possible, use a room where you can close the door.
3. Try to isolate yourself from pets, children or others who may be noisy.
4. Use a location with a neutral background.
5. Eat before the meeting; eating during the meeting can be distracting to others.
6. Consider the use of headphones to reduce background noise and avoid feedback.
7. Review the agenda packet ahead of time. If possible, send any questions to the City Manager ahead of time so staff can provide requested information in their presentation.
8. Check your email beforehand to review any public comments that were received.

#### **Public Meeting Reminders:**

1. Virtual meetings are public record.
2. All rules pertaining to in-person meetings apply to electronic virtual meetings, including quorum, minutes, voting and confidentiality requirements.
3. All policies relating to in-camera meetings and conflicts of interest apply equally for all participants.
4. Council's decorum rules apply during virtual meetings.
5. Any statements made during the meeting are "on the record."

### **Attending the Meeting:**

1. Arrive on time. Plan to login to the meeting at least 10 minutes prior to the meeting, to ensure you are setup before the meeting starts.
2. Login using your individual Zoom link sent via email.
3. RVTV begins broadcasting the meeting live promptly at 6:00 p.m. whether or not the Council is prepared.
4. The video camera shall be turned on and remain on throughout the majority of the meeting. This helps confirm attendance and quorum requirements if you inadvertently leave the meeting. In the event the camera will be shut off intentionally, inform the presiding officer of your intent and reason.
5. Verify that your first and last name are displayed at all times.
6. Remain muted except when speaking to prevent background noise.
7. Mayor, or his designee, will chair the meeting.
8. Prevent side conversations during the meeting. They can be distracting and whispers are easily picked up on microphones.
9. Refrain from using the Chat feature for conversations with other attendees.
  - a. Chat messages may be broadcast during live meetings.
  - b. Any conversation held using Chat are considered part of the public record and will be retained.
  - c. Comments made using Chat may be read aloud to participants and be considered in discussions.
10. If you arrive after the meeting starts, please use the Chat feature to notify the Recorder when you arrive.
  - a. Please notify staff via Chat if you briefly leave and return to an active meeting.
  - b. If you are leaving the meeting and will not return, please use the Raise Hand feature to notify participants.

Notifying staff of your arrivals/departures ensures a quorum is present and provides accurate information for the minutes without interrupting the meeting.
11. Use the Raise Hand feature and wait to be recognized by the Mayor before speaking or making a motion.
12. At adjournment, Mayor will clearly state the closure and time of meeting for the record.
13. Recordings are placed on the City's website for public viewing.

### **III. Outside Statements**

- A. Representing City. If a member of the Council, to include the mayor, appears as a representative of the city before another governmental agency, the media 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, the media 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.



## **CHAPTER 8**

### **I. Staff**

All members of the council shall respect the separation between the council's role and the city's manager's responsibility by:

- A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
- B. Refraining from actions that would undermine the authority of the city manager or a department head.
- C. Questions of city staff should be directed to the City Manager, Deputy City Manager or to the appropriate Department Head.
- D. Any request, which requires more than one hour of staff time, will need to be approved by the City Manager
- E. Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council.
- F. Individual Councilor requests, when acting in their individual capacities rather than as members of the council, for information that constitute a public record under the law should be requested through the appropriate Public Records Request online system on the City website.

**II. City Attorney.** Requests to the City Attorney for advice requiring extensive legal research shall not be made by an individual Council member except with the concurrence of the majority of the Council.



## **CHAPTER 9**

### **I. Censure**

To assure the public confidence in the integrity of the City of Medford, Councilmembers are held to a high standard of conduct. For this reason, Councilmembers developed a set of Rules as codified in this ordinance and believe the Rules are as important to the public process as other rules and procedures. It is also recognized there may be times when action is required to correct and/or prevent behavior that violates the Rules.

A Councilmember or the Mayor may be censured by the other Councilmembers for misconduct, nonperformance of duty or failure to obey the laws of the federal, state, or local government. Misconduct includes not honoring the provisions of the Council Rules.

Early recognition of the questioned conduct is encouraged. Progressive counsel may occur with the Councilmember but is not required prior to passage of a Council Resolution of Censure by the other Councilmembers.

A violation of the Rules will not be considered a basis for challenging the validity of any Council decision.

### **II. Removal**

A. No member of the Council shall, in any manner, directly or indirectly, by suggestion or otherwise, attempt to coerce or influence the City Manager in the making of any appointment or any removal or in the award of any contract within the Manager's authority or in any disciplinary action against a City employee; nor shall any member of the Council exact any promise relative to any appointment from any candidate for City Manager or discuss directly or indirectly with any such candidate the matter of appointments to any City office or employments. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of the Council who may be removed therefrom by the Council or any court of competent jurisdiction. Nothing contained herein, however, shall be construed as prohibiting the Council, while in open session, from discussion



- with or suggesting to the City Manager anything pertaining to City affairs.<sup>35</sup>
- B. Absence from the City for over 30 days without the Council's consent or from all meetings of the Council within a 90 day period.<sup>36</sup>

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<sup>35</sup> Charter Chapter V, Section 18(6)

<sup>36</sup> Charter Chapter VII, Section 25(b)



## **CHAPTER 10**

The Council will review its rules at its second meeting in January of odd-numbered years to coincide with the possible election of new Council members. Amendments will be made as deemed necessary.