

CITY OF MEDFORD

CITY COUNCIL



HANDBOOK



MEDFORD
OREGON

This handbook is subject to change as policies are amended or modified. The City Recorder and City Manager's Office does not give legal advice. This handbook is not intended to be legal advice.



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Things to Know Before You Begin

Council Mail Boxes: Each Councilmember has a box located in the City Manager's Office. Staff will place items received in the mail or additional material required for meetings in your box on a regular basis. Please check your box at least once a week to ensure you are up-to-date.

Name Tag: A name tag is provided for your use at City events outside of City meetings.

Keycard: A keycard is required to access rooms within City Hall and the Lausmann Annex. Councilmembers mainly use their card to access the City Manager's Office without being "buzzed in". It is not required, but is convenient. If you would like a keycard, please advise City Manager's staff to schedule a time to have your photo taken for the card.

Parking Passes: You will receive a parking pass each January for parking in the City Hall lot and surrounding areas. Parking for more than two hours without a pass could result in a parking citation.

Photo: The City Manager's Office will work with you to schedule an appointment to have your photo taken. The photo will be placed in the City Hall lobby and used for promotional materials.

Bio: A bio is needed for our website. If you have one prepared, please provide it to the City Manager's Office. Otherwise, our office can assist you in drafting your bio.

Training: The League of Oregon Cities offers free training for new Councilmembers on their website at www.orcities.org. See the Policies section of this handbook for more information on training and travel expenses.

Meeting Schedule: The City Manager's Office issues a meeting schedule on Fridays. The meeting schedule outlines all Council meetings, study sessions and other meetings the Council attends for up to three months in advance. Be aware that meetings can be added or changed on a regular basis.

Meetings: Council meetings are generally held in the Council Chambers; study sessions in the Medford Room or Prescott Room; Council Officers (details on page 34) in the City Manager's office (CMO) conference room. Most meetings include a meal beforehand to allow interaction with staff, have questions answered and speak with other Councilmembers. If a meal is provided, it is scheduled one-half hour before the meeting, in the Medford Room unless otherwise noted.

Chambers Seating: Seating at the dais is set by the Council President and could change each year.

Silent Alarms: There are silent alarm buttons located at the Mayor's place on the dais and the City Records station should the need arise to alert our public safety officers. Police officers generally attend every meeting.

Microphones: Microphones on the dais in Council Chambers remain off, unless you are speaking. To speak, push the button on the microphone to activate and inactivate. *Be aware that the microphone at the podium is always on and voices may be recorded, even if your individual microphone is turned off.*

Microphones in the Medford Room are highly sensitive and are often turned on a few minutes before meetings and remain on for a few minutes after. Anything said during that time will be recorded and available for the public when uploaded to the website.

Recordings: All Council meetings are live-streamed and recorded. They are uploaded to the City's website within a week. Study sessions are not streamed live, but are recorded and uploaded immediately following the meetings to the website.

Agendas: Council meeting and study session agendas will be available no later than the Friday before the meeting is held. You will receive an email when the agendas are ready for download to your iPad.

If documentation is submitted after the agenda is prepared, it will be emailed and placed in your folder on the dais. Please leave your folder on the dais at the end of each meeting.

iPads: You will receive an iPad to use for accessing your meeting agendas. iPads are property of the City and activities on the iPads are subject to public records requests. See iPad/Technology Policy and Public Records Law in this handbook.



VISION

Medford will continue to offer an exceptional quality of life for all generations. Residents and visitors alike will experience a vibrant community, safe and connected neighborhoods, and exemplary cultural and recreational opportunities. As the center of the Southern Oregon economy, businesses and educational institutions will find a collaborative environment encouraging partnerships, growth and innovation.

MISSION STATEMENT

Medford - A Fantastic Place to Live, Work & Play

CORE VALUES

Integrity: Adherence to moral principles and professional ethics – sound character.

Caring: Enthusiastically embracing our community through a performance culture.

Courage: Have the courage to make the difficult decisions and stand by them.

Accountability: We recognize our decisions and actions, as individuals and as an organization, positively impact the community through best practices.

Teamwork: Valuing our colleagues and community in working collaboratively.



COUNCIL GOALS – Adopted by Resolution 2021-56

City Center Revitalization: The City will seek opportunities to assist with development and redevelopment opportunities within the City Center.

- **Liberty Park Plan:** Implement the MURA Capital Improvement Plan and redevelopment strategies.
- **Downtown:** The City will support development and re-development opportunities within its downtown core area.
- **Parking District Enhancements:** Develop an updated strategy to provide both public and private parking opportunities. Review opportunities to develop more robust and responsive parking options to address both business, student, and residential needs.
- **Building Rehabilitation Program:** Continue working with property owners within the Urban Renewal District in providing financial assistance for seismic and sprinkler retrofitting of buildings that will help support housing development or economic improvements.
- **Economic Incentive Program:** Create a comprehensive economic development strategy supporting development and redevelopment throughout the City Center area that is consistent with Council's vision and goals for its long term development.
- **MURA Strategic Funding Plan:** Prioritize allocation of remaining Tax Increment Financing revenue and MURA capital asset disposition in order to optimize strategic impact throughout the district.

Community Engagement: Proactively engage and communicate with community members by providing honest, clear and transparent communication. Encourage social connection through public festivals, concerts, and events.

- **Medford 2040 Community Vision Process and Plan:** Bring community stakeholders together to develop the Medford 2040 Community Vision, a 20-year plan to shape Medford based on community values.
- **Communication Plan:** Implement the 2021-23 Strategic Communications and Marketing Plan which provides a clear and concise structure and direction for the City's evolving communications program based on data, research and best practices.
- **Create Social Connection through Public Festivals, Concerts, and Events:** Establish a framework to expand the number of public events that encourages social connection along with increasing tourism.
- **Access, Diversity, Equity and Inclusion:** Create a city-wide Access, Diversity, Equity and Inclusion plan for internal and external audiences.
- **Medford Government and Non-Profit Partnership Engagement:** Seek to expand partnerships with state and local government agencies to further Council goals and policies.

Economic Development: The City will play an active role in maintaining and enhancing Medford's diverse economy.

- **One Rogue Valley Comprehensive Economic Development Strategy (CEDS):** Collaborate with SOREDI, private business, government and educational partners to implement the CEDS, focusing on sectors that closely align with the assets and opportunities located within the City, and leveraging the City's role as the urban hub of Southwest Oregon.
- **Develop a Comprehensive Economic Development Program:** Create a consolidated toolbox of existing community and economic development tools, and new targeted incentives as appropriate.

Health and Safety: Proactively address the health and safety needs of our residents and visitors while collaborating with community partners to implement initiatives aimed at addressing challenges and reducing risks.

- **Address Livability Issues:** Utilize services provided by the City, other government agencies and non-profits to improve downtown, neighborhoods, public spaces and greenways.
- **Neighborhood Livability Partnership:** Address nuisance properties in collaboration with other City Departments, government agencies and non-profits.
- **Chronically Homeless Outreach Partnership (CHOP):** Support chronically homeless individuals by assessing needs, connecting individuals/families to service providers and coordinating care in partnership with a variety of government agencies and non-profits.
- **Livability Team:** This program continues to provide dedicated police and code enforcement personnel to the downtown area and Bear Creek Greenway in an effort to find a balance between enforcement and outreach to address livability concerns such as homelessness.
- **Homeless System Action Plan (HSAP):** Implement goals and actions identified in the HSAP.
- **Public Safety Level of Service:** Revise strategic and operational plans for both Fire Department and Police Department. Plans are to identify recommendations on levels of service.
- **Emergency Management:** Implement mitigation, preparedness and recovery efforts based on risks identified within the City's Hazard Vulnerability Analysis (HVA) and Natural Hazard Mitigation Plan (NHMP).

Housing: Preserve and promote the development of a range of safe and affordable housing choices in Medford that meet the needs of its current and future residents, and support other Council goals including economic development.

- **Increase Housing Opportunities Throughout Medford and in Target Areas.**
- **Homeless System Action Plan (HSAP):** Implement goals and actions identified in

the HSAP that increase the supply, accessibility, and safety of affordable and supportive housing.

Public Infrastructure: Proactively plan for and invest in infrastructure needs by providing facilities essential for residents and visitors to live, work and play in a manner that is financially and environmentally sustainable.

- **Bear Creek Master Plan:** Seek Council direction pertaining to Bear Creek Master Plan and update as necessary.
- **Public Works' Infrastructure:** Continue to maintain existing infrastructure based on the lowest life cycle cost model. City will work to ensure that critical transportation, storm drain and sewer systems have enough capacity to handle future development demands.
- **City Wayfinding Program:** Establish design standards for a city-wide wayfinding program that places an emphasis on directing residents and visitors to key destinations with a focus on the downtown area. The plan will include an implementation plan identifying priority sites and the types of signs to install.
- **Promoting Park and Recreation Infrastructure:** Plan, fund, partner and develop park and recreation facilities that meet the needs of a growing population and stimulate the local economy.



The City of Medford Charter establishes a Council-Manager form of government, which vests policy authority in a volunteer City Council and administrative authority for day-to-day operations in an appointed, professional City Manager. The Medford City Council consists of eight Councilmembers who serve staggered four-year terms. The Mayor is the presiding officer for the Council, is not a member of the Council and serves a four-year term.

Mayor

The Mayor serves as the City's presiding official and Chair of the Council. He or she is elected by the City at large on a nonpartisan ballot for a four-year term of office. The Mayor serves without compensation and is the formal representative of the City.

City Council

The City Council, Medford's legislative body, has eight members. The Councilmembers are elected on a nonpartisan ballot for four-year terms and serve without compensation.

The Council sets City goals, enacts legislation, adopts policies and plans, and determines the services the City provides. The Council adopts the City budget, which specifies how much money can be spent for each City service. The Mayor and Council also appoint volunteers to committees to advise the City on a wide range of issues.

The Council elects two officers: one of its members to serve as Council President and one to serve as Council Vice President. The President presides over the Council in the Mayor's absence and often represents the Mayor and Council on special occasions.

City Manager

Under the Council-Manager form of government, the Council appoints a City Manager who manages the City's staff and departments. The City Manager is responsible for the day-to-day operations of the City of Medford organization. The Manager hires Deputy City Managers and Department Heads to assist in providing City services and enforcing City ordinances.

Role of the City Manager

The City Manager serves as the City of Medford's chief executive with responsibility for the administration of the various functions of City government as described in the City Charter and in accordance with legislative policy established by the City Council.

Duties:

Leads by contributing to the vision for the City's future; balances long term strategic needs with the day-to-day operation needs of the City; promotes ethical practices and encourages individual integrity.

Builds an effective management team to plan, direct and coordinate a varied work program; supervises and delegates responsibility; meets with citizen groups and organizations to address concerns or opportunities; establishes and maintains effective working relationships with the community at large, the City Council, subordinate officials and employees, and public officials of other jurisdictions.

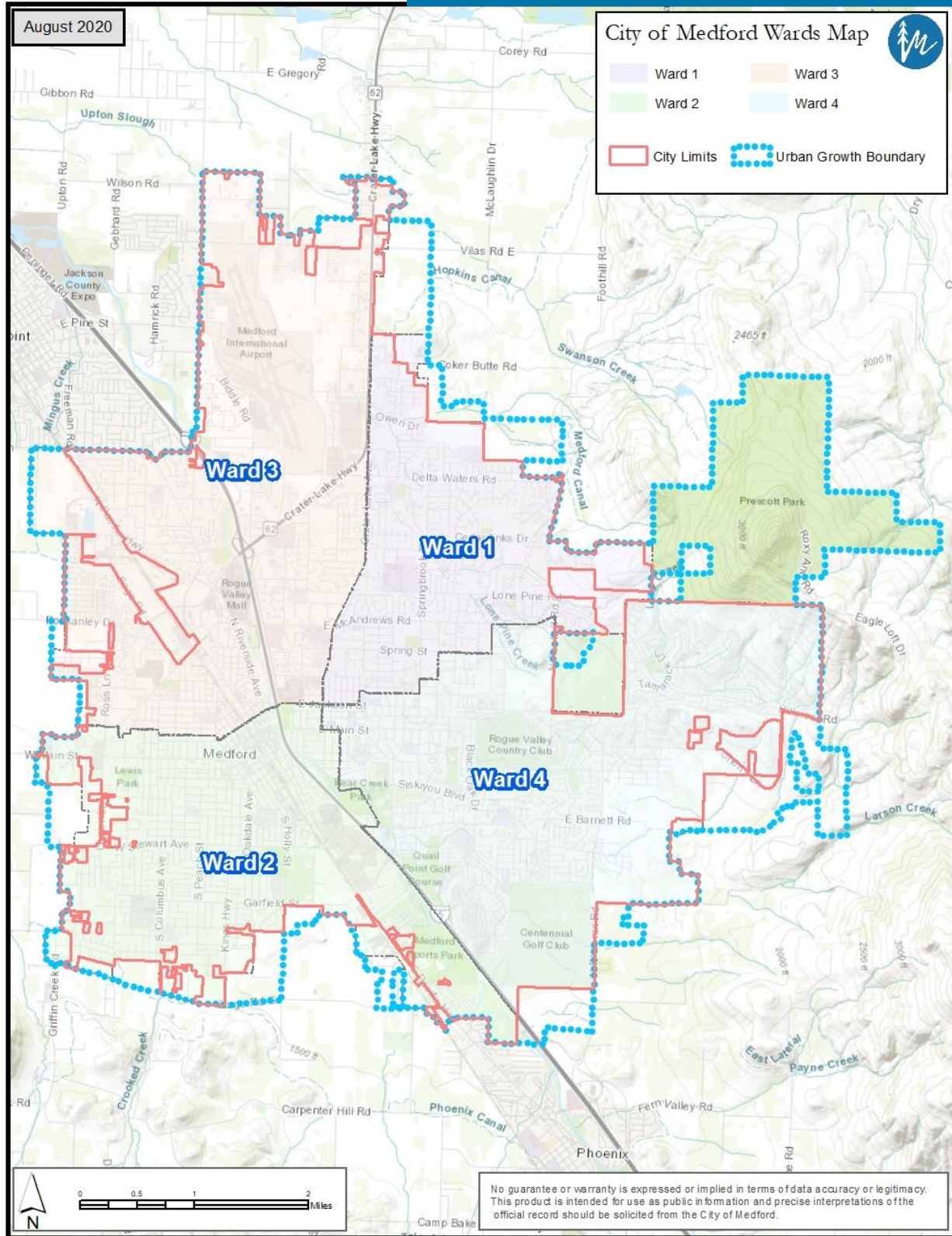
Integrates knowledge of management theory and practice; municipal organization and procedures; and laws, rules and regulations concerning the operation of municipal government into City management. Represents management of the City to appropriate labor organizations and unions.

Identifies opportunities for productivity increases by implementing new processes, organization structure and individual assignments, utilizing technology, reducing or avoiding costs, and enhancing revenue.

Analyzes efficiency and productivity of the workforce; improves the quality of life for the workforce through leadership, support, training and resources; and measures customer satisfaction with quality of work. Increases quality standards incrementally as continuous improvement is sought.

Communicates objectives and results to the work force, elected officials, and the community; and demonstrates that efforts were effective. Provides professional judgment to elected officials in identifying, analyzing and communicating policy issues significant to the community and provision of public services.

Implements processes and projects to fulfill vision, mission and goals as adopted by elected officials; and leads and motivates the work force to accomplish the same.





Medford Municipal Code and City Charter

A complete version of the [Medford Municipal Code](#) (MMC) and [Medford Charter](#) are available on the city website at medfordoregon.gov. The hard copy official version of the Medford Code is on file in the City Attorney's Office.



Government

Agendas and Minutes

All meetings and agendas.

Boards and Commissions

The City has several Board and Commission opportunities and ways to get engaged!

Departments

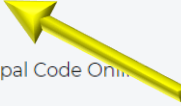
View a directory of the City of Medford departments and the services that each department offers.

Mayor & City Council

Meet your elected officials.

Medford Municipal Code

Medford Municipal Code Online



Proclamations

View City of Medford Proclamations 2021.

Options:



Municipal Code



City Charter

Municipal Code

City Charter



RULES OF PROCEDURES

Ordinance 2023-06

Authority

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

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.

¹ Charter Chapter IV, Section 13
Revisions: Ordinance 2021-89





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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.² 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.³
- 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.⁴
- 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.⁵

III. Presiding Officer

- A. The Mayor shall be the presiding officer of the City Council but shall not vote

² MMC 2.010 Meeting Procedure

³ Charter Chapter IV, Section 14

⁴ MMC 2.035 Quorum

⁵ Charter Chapter VII, Section 25

upon any question except in case of a tie and the Mayor shall then cast the deciding vote.⁶ 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.⁷

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.⁸
- 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.⁹
- 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.¹⁰

⁶ Charter Chapter V, Section 17

⁷ Charter Chapter IV, Section 15

⁸ Charter Chapter V, Section 18(4):

⁹ Charter Chapter V, Section 21

¹⁰ 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.¹¹

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

¹¹ 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 Calendar

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.¹²

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.¹³
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.¹⁴

Land Use Matters – See Chapter 4

¹² MMC 2.045 Consent Calendar

¹³ Current Agenda Language

¹⁴ Current Agenda Language

Council Business

Proclamations

1. Request for Proclamations - Organizations or citizens requesting proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals on certain projects, shall be filed with the City Recorder. Upon receipt, the City Recorder will notify the Mayor of the request. If the Mayor approves the request, the City Recorder will prepare the proclamation for the Mayor's signature. The Mayor may also make proclamations at the Mayor's own discretion without a request.
2. Reading of Proclamations - It will be at the discretion of the Mayor if a proclamation will be read at a City Council meeting or presented to the organization or group. It is preferred that a representative of the requesting organization be present to receive the proclamation.

Committee Reports and Communications

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.¹⁵
- 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, Council shall meet in the following manner. 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. Comments must be received by noon the date of the meeting to be noted in the record.
- D. Virtual attendance should be avoided unless there are extenuating circumstances which prevents a council member from in-person attendance, such as illness. In these circumstances, the Mayor and City Recorder must be notified a minimum of one day prior to the meeting. In the event a council member is absent, and their presence is required to meet quorum, the council member may be asked to attend virtually.
- E. Approved virtual meetings operations protocol will be followed when Council members attend virtually.

¹⁵ MMC 2.005 Meeting Time

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.¹⁶
- 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 2.075 are applicable.¹⁷

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.

¹⁶ Charter Chapter IV, Section 13

¹⁷ MMC 2.015 Special Sessions Procedure

- (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.
- (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.¹⁸

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.

¹⁸ 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:¹⁹

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.²⁰
- 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.²¹

¹⁹ Charter Chapter VIII, Section 27

²⁰ Charter Chapter VIII, Section 28

²¹ 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.²²

²² 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.²³

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.²⁴ 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.

²³ MMC 10.130 Due Process Element 5: Public Hearings

²⁴ 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.²⁵
- 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.]

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

²⁵ Charter Chapter IV, Section 16

²⁶ MMC 2.055 Voting

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.



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.²⁷
- 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.²⁸

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.²⁹
- 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

²⁷ Charter Chapter V, Section 18

²⁸ Charter Chapter V, Section 20

²⁹ Charter Chapter V, Section 17

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. (SORED)
- 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.³⁰

IV. Council Vacancies

- A. Vacant elective offices in the City shall be filled by a majority vote of the whole Council.³¹
- 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 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.

³⁰ MMC 2.436 Council Liaison

³¹ Charter Chapter VII, Section 26

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.³²

³² 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.³³

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;

³³ 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.³⁴

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.

³⁴ 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 unless the member is attending an in-person meeting virtually. In that case, the member shall be present without the video camera. In the event the camera is off intentionally or you temporarily leave the meeting, inform the presiding officer of your intent and reason. This helps confirm attendance and quorum requirements.
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.

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.³⁵

- 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.³⁶

³⁵ Charter Chapter V, Section 18(6)

³⁶ 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.

Conclusion of the Adopted Rules of Procedure



Understanding Your Role

Role of the Mayor

The Mayor is the Presiding Officer or Chair of the Council meetings. The duties of the Chair are:

- Open the meeting on time and call the meeting to order
- Request a roll call
- Announce in proper sequence the business on the agenda
- Recognize members who are entitled to the floor
- State and put to a vote all legitimate questions that arise during the meeting
- If a motion is out of order, the Chair should rule it out of order
- Enforce the rules regarding debate and keep order
- Expedite business in a way compatible with the rights of the members
- Decide all questions of order
- Respond to inquiries of members
- Declare the meeting adjourned

Role of the Councilmembers

- Effective Councilmembers understand the Council adopted Rules of Procedure as well as parliamentary procedure and abide by them
- Councilmembers should address all remarks through the Mayor
- Councilmembers should use their parliamentary knowledge in a constructive manner, rather than hindering or obstructing the business of the meeting
- Councilmembers should be knowledgeable and familiar with the issues before them so they can participate in the meeting by:
 1. Introducing motions;
 2. Seconding another Councilmember's motion;
 3. Debating the issue according to the rules or asking questions of staff regarding issues; and
 4. Voting
 - a. A Councilmember may vote, but cannot be forced to do so. A Councilmember should not vote on questions of direct personal or pecuniary interest not common to other Councilmembers or the public generally.

- b. A Councilmember may change a vote before the Mayor announces the result of the vote. After the result is announced, a majority of the Council must vote to allow the change.
- c. A Councilmember may request a rising vote by calling "Division" when a voice vote or show of hands is in doubt.

Role of Council Officers

Following are general suggestions concerning activities of the Council Officers as discussed, but not formally approved, during the November 18, 2010 Council meeting.

- Council Officers meetings include the Council President, Council Vice-President and the Mayor
- Council President provides leadership for the meetings and other called upon activities
- Council Officers' meeting agendas are built with input from the Council Officers, Councilmembers, Mayor and the City Manager
- Non-officer Councilmembers are encouraged to attend, but attendance at Council Officers' meetings shall not include a quorum of the Council
- Minutes will be written and distributed to Councilmembers after each meeting
- 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
- Consult with the City Manager on potential Council meeting agenda items, recommending agenda priorities. The City Manager has the responsibility to build Council agendas
- Respond to items of request, e.g. letters of support, that do not require Council action; copies of responses will be forwarded to Councilmembers
- Meet with delegations, reporting details to Council
- Sign other correspondence when directed by Council
- Council President manages the process to select individuals for City Committees, Commissions and Boards
- Council President manages the process for Council to evaluate the City Manager's work performance
- Council President recommends Council Liaisons to Boards and Commissions
- Council President proposes to Council, individuals to represent the City as voting members of Council to outside organizations

- Council President monitors the orientation of new Councilmembers
- Council President represents the City/Council at community functions or other events
- Mayor appoints members to Council/City Committees or taskforces when authorized formally or informally by Council
- The Vice President serves as Chair of the Council's Finance Committee

Council Officers do not:

- Establish policy
- Give direction to staff if such direction is correctly the responsibility of the Council as a whole

Questions the Mayor or a Councilmember can ask to improve discussions

To Open Discussion:

- "Could we clarify the terms connected with this topic?"
- "What do you think the general idea or problem is?"
- "What are the elements essential to understanding the topic?"
- "Would anyone care to offer suggestions on facts we need to better our understanding of the problem or topic?"

To Broaden Participation:

- "Now that we have heard from a number of our Councilmembers, would others who have not spoken like to add their ideas?"
- "How do the ideas presented thus far sound to those of you who have been thinking about them?"

To Limit Participation:

- "We appreciate your contributions. However, it might be well to hear from some of the others. Would some of you who have not spoken care to add your ideas to those already expressed?"
- "You have made several good statements, and I am wondering if someone else might like to make some remarks."
- "Since all Councilmembers have not yet had an opportunity to speak, I wonder if you could hold your comments until a little later."

To Focus Discussion:

- "Where are we now in relation to our goal for this discussion?"
- "Would you like to have me review my understanding of the things we have said and the progress we have made in this discussion?"

"Your comment is interesting. However, I wonder if it is quite on target for the problem we are discussing."

To Help the Group Move Along:

"I wonder if we have spent enough time on this phase of the problem. Should we move to another aspect of it?"

"Have we gone into this part of the problem far enough so that we might now shift our attention and consider this additional area?"

"In view of the item we have set for ourselves, would it not be well to look at the next question before us?"

To Help the Group Reach a Decision:

"Am I right in sensing agreement on these points?" (Mayor provides brief summary.)

"Since we tend to be moving in the direction of a decision, should we consider what it will mean for our group if we decide the matter in this way?"

To Lend Continuity to the Discussion:

"Since we had time for a particular consideration of the problem at the last meeting, would someone care to review what we covered then?"

"Since we cannot reach a decision at this meeting, what are some of the points we should take up at the next meeting?"

"Would someone care to suggest points which need further study before we convene again?"

Medford's Meeting Law

The Medford Municipal Code listed in the previous section Adopted Rules of Procedure outlines the procedures of the City of Medford Council meetings.

Implementation

Councilmembers receive a copy of the adopted Council Rules of Procedure and will affirm in writing that they have received the Rules, understand the provisions, and pledge to conduct themselves by the Rules. A periodic review of the Rules will be conducted to ensure that they are an effective and useful tool.

Legislative Actions

The City Council is the legislative body of the City. The Council may adopt laws or policies applicable to all persons within the City, subject to any limitations imposed by the City Charter or conflicting or preemptive provisions in state or federal law. The manner in which the Council acts depends to some degree on the subject matter under consideration. In some instances, state statutes or City code provisions dictate the form the action must take.

Ordinances

Ordinances constitute the City's local laws, referred to as the Medford Municipal Code (MMC). An ordinance will be utilized to add, amend, or repeal sections of the Medford Municipal Code, and may also involve any other subject matter where the intent is to establish a permanent or long-term rule, policy or procedure. In addition, some Oregon statutes, City Charter and code provisions require that the Council act by ordinance in specific situations. Some common examples include: (a) authorizing certain agreements (Charter Section 32 requires all deeds and contracts to be "authorized or ratified by ordinance"); (b) granting franchises; (c) withdrawing annexed territories from special districts (water, parks, etc.); (d) levying certain assessments; and (e) amending comprehensive land use plans.

In general terms, the Medford City Charter authorizes the Council to enact ordinances to maintain and establish the peace, good order, health, cleanliness, prosperity and general welfare of the city, provided the ordinances are not inconsistent with the constitution and laws of the state (MMC 2.805). Formal action, with adoption by a majority of the Council, is required to enact an ordinance. Once Council approves an ordinance, Section 17 of the Charter gives the Mayor ten days to act. Once the Mayor signs an ordinance, it takes effect immediately. The Mayor

may veto an ordinance by returning it unsigned to the City Recorder, accompanied by a signed statement of objection, and the Council may override the veto by an affirmative vote of two-thirds of the Councilmembers present at the meeting. If the Mayor neither signs the ordinance nor submits a veto to the City Recorder within ten days, the ordinance takes effect at the end of ten days without the Mayor's signature. An ordinance may also include provision of a specific effective date (subject to the limitations noted above) in order to implement its provisions at a time certain.

Unless an ordinance directs a specific action or contains its own expiration date, it remains in effect until amended or repealed by another ordinance. Some ordinances will contain findings that in essence provide a legislative history for the action being taken, while others, such as land use ordinances, are required to contain findings that show conformance with statewide planning goals.

Resolutions

Resolutions generally deal with matters of a special or temporary nature and reflect an expression of Council opinion or policy. Resolutions are adopted by majority vote. They are, however, separate written documents that can be readily accessed to confirm the nature of the action taken. Resolutions often contain findings or recitals that provide information about the action being taken.

Resolutions may (this is a nonexclusive list):

- (a) Call public hearings
- (b) Adopt specific policies or plans (other than land use plans)
- (c) State an official position on global or statewide political concerns
- (d) Commend or honor an individual's service to the City or community
- (e) Adopt the budget
- (f) Establish City funds and authorize transfers between funds
- (g) Form a local improvement district
- (h) Call an election.

Because resolutions generally deal with matters of a special or temporary nature, when the purpose of the resolution has been accomplished it ceases to have any further effect. However, in those instances where specific procedures of an on-going nature are involved, such as adoption of a specific program or procedures to be followed in administering a specific program, those procedures remain in effect until amended or repealed by another resolution or an ordinance.

Administrative Rules and Orders

As mentioned before, the City Manager is responsible for the day-to-day operations

of the City, and therefore, the Medford Code grants the City Manager authority to adopt regulations to carry out the functions of that office. These regulations or rules may implement provisions of the City code or other ordinances, or may be administrative orders establishing fees or delegating duties. Specific procedures must be set forth for the manner in which orders are to be adopted to ensure adequate public notice and an opportunity to be heard before implementation. City Managers also need authority to adopt emergency or temporary orders without prior notice when necessary because of newly enacted code provisions or an imminent threat to public safety that would occur if the rules were not effective immediately.

The City Manager may also utilize administrative orders to appoint department heads, create or disband City departments, or delegate authority to others to act on the City Manager's behalf, such as limited contract signing authority or authority to enforce specific provisions or chapters of the code or ordinances.

Other Types of Meetings

ORS 192.660 Executive Session

Executive sessions are regulated by the Oregon Revised Statute. The City Council may hold an executive session for very specific reasons, mainly to protect confidentiality of the topic. Executive sessions are closed to the public and attendance is limited. Members of the press may be present, but cannot report on matters discussed. All information and discussions during an executive session are confidential and not to be discussed outside of the session.

ORS 294.414 City Budget Committee

All Councilmembers are members of the City Budget Committee along with nine members of the public. The City Budget Committee reviews the budget document and may either approve it as submitted by the City Manager or revise it. At budget hearings, the Committee hears the budget presentation by the City Manager and staff, and hears persons wishing to speak on the budget.

2.030 Finance Committee

- (1) The finance committee shall consist of three members of the Council, one of whom shall be the vice-president of the Council, who shall be the chair. Two members shall constitute a quorum of the committee for the transaction of business. The committee shall meet at such times as the committee shall determine.
- (2) The Chief Financial Officer shall not approve payment of a claim submitted by the Mayor and Councilmembers for expenses incurred in the performance of their functions unless it has been reviewed and approved by the finance committee. A member shall not vote on his own claim.
- (3) The Council shall prescribe by resolution the types of expenses that may be allowed by the Finance Committee.
- (4) All requests for reimbursement shall be submitted on forms approved by the finance committee and shall be accompanied by receipts if possible.
- (5) If the finance committee rejects all or part of a claim, the claimant may appeal the decision to the Council.

- (6) The finance committee shall give public notice of its meetings, hold its meetings in public, keep written minutes of its proceedings, and file the minutes with the City Recorder.

Medford Urban Renewal Board

All Councilmembers serve as the Urban Renewal Board and make decisions for the Urban Renewal District. The MURA Board typically meets at 6:00 p.m. on the fourth Thursday of each month, but may also call special meetings for significant or time-sensitive matters.

Medford Urban Renewal Budget Committee

The Urban Renewal Budget Committee is an advisory committee to the Urban Renewal Board. All Councilmembers are members of the Urban Renewal Budget Committee, along with nine citizens. The committee is an advisory committee to the Urban Renewal Board and reviews the budget for consistency with the City Center Revitalization Plan as submitted by the Executive Director.

Serial Meetings & Email Meetings

The Attorney General provides the following advice regarding “serial meetings” of public bodies:

“A governing body risks violating meetings law through a series of private communications, even if a quorum isn’t involved in any single communication. For example, the Court of Appeals held that a county administrator’s e-mails and phone calls with various board members deliberating towards the resolution of a public records request could be a violation, even though no single e-mail or phone call involved a quorum. [*Handy v. Lane County*, 274 Or App 644, 666–67 (2015), *rev’d on other grounds*, 360 Or 605 (2016).] The court explained that “the determinative factors are whether a sufficient number of officials are involved, what they discuss, and the purpose for which they discuss it—not the time, place, or manner of their communications.” *Handy* at 664–65. While the Supreme Court reversed the Court of Appeals decision, it did not resolve the issue of whether serial communications can violate the law. As noted above, we recommend that members of a governing body should not meet in private to discuss business, or exchange private communications about business, even if those involved constitute less than a quorum.” Attorney Generals Public Records and Meetings Manual 2019 at pages 145-146.

The following information relates to a 2010 case from Lane County that describes the dangers and traps of conducting “serial meetings” or email meetings.

Lessons Learned from Lane County

How a lawsuit in Lane County might just change the way cities conduct business.

At the beginning of 2010, two citizens sued Lane County and three of its commissioners, alleging violations of Oregon's public meeting laws, (ORS 192.610 – 192.690). The circuit court issued a 44-page written decision in the case holding two of the three commissioners personally liable for violations of the law. The circuit court's decision does not necessarily dictate how the issues litigated in this case will be decided if raised in a different case in the future. Nonetheless, the court's decision raises at least four issues to which city officials and employees should pay attention. Even though this article briefly summarizes these issues, city officials and employees are encouraged to read the court's decision and seek advice from their respective city attorneys about how best to comply with Oregon Public Meeting Laws.

Lesson #1 – Use of a personal computer and a private e-mail account to conduct city business may subject your personal computer or private e-mail account to disclosure under a public records request or in a litigation discovery request.

The League of Oregon Cities and city attorneys across the state have advised city officials and employees for several years that using a personal computer or a private e-mail account to conduct city business may subject the hard drive of the personal computer or the private e-mail account to disclosure under a public records request or in a litigation discovery request. This issue first arose several years ago in a litigation matter where the court required city Councilors to have the hard drives of their personal computers searched as part of a litigation discovery request. In the Lane County case, once again, local government officials were asked about and required to produce documents sent from private e-mail accounts. While the issue of whether disclosure was required was not a significant issue in the case, the fact that it occurred is another reminder to city officials and employees that conducting city business on a personal computer or using a private e-mail account will not shield those communications from disclosure.

Lesson #2 – Use of e-mail by a quorum of a public body might constitute a meeting under Oregon's Public Meeting Laws.

It has long been an open question regarding whether a quorum of a governing body could violate the public meeting laws by communicating through the use of e-mail. [ORS 192.670](#)(1) states that "any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other

electronic communication shall be conducted in accordance with [the public meeting laws]." In the Lane County case, the circuit court concluded that e-mail is an "electronic communication" as that term is used in ORS 192.670(1). (Slip Opinion at p. 33.) Thus, for the first time in Oregon, a court has concluded that a meeting can occur through the use of e-mail.

Notwithstanding that the court concluded that e-mail was an electronic communication for the purposes of the public meeting laws, the question remained whether the e-mail communications in question constituted a "meeting." ORS 192.610(5) defines a meeting as "the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter." The defendants argued that the e-mails in this case were more like a letter or short telephone message that didn't amount to making a decision or deliberating toward a decision. The court, however, rejected this argument, stating, "Based on the evidence presented in the present case, this court rejects defendants' analogy to e-mail as the equivalent of a letter. As the various e-mails show, they are far more like the normal back and forth in conversation than correspondence in letter form. There is the opportunity for immediate viewing and response. That in fact occurred in several e-mails in this case." (Slip Op. at p. 34, n. 32.)

In the end, the court stated that its determination that the use of e-mail could result in a meeting was "probably of no consequence" to its final decision that a violation of the public meeting laws occurred. This is because e-mails in question were about a decision for which that statute of limitations period had expired. Nonetheless, the court's determination is the strongest warning yet for city officials and employees that communications made through e-mail involving a quorum of a governing body might constitute a meeting under the public meeting laws.

Lesson #3 – Serial meetings may violate Oregon's Public Meeting Laws

As discussed above, the public meeting laws define a meeting as "the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter" (ORS 192.610(5)). Historically in Oregon, this definition required the convening of a quorum of a governing body in the same place (or on the same conference call) before a meeting could occur. However, in the Lane County case, the court concluded for the first time in Oregon that a violation of the public meeting laws can occur even when a quorum

of a public body never meets at the same time to make a decision or deliberate toward a decision.

The court set forth the following test to determine whether a meeting occurred:

- (1) did at least a quorum of the governing body;
- (2) make a decision or deliberate toward deciding a matter; and
- (3) in any setting that was private and not open to the public. (Slip Op. p. 34.)

In this case, the court reached a factual conclusion that a quorum of the Lane County Board of Commissioners had private conversations and meetings in which they deliberated and reached a collective decision on what to include in a supplemental budget even though a quorum of the commission never discussed the issue together at the same time outside the scope of a public meeting. As explained by the court, “[t]he evidence did not show that any three [of the five] commissioners were ever in the same room at the same time talking about this matter. That does not mean that the continuing multiple conversations were not a deliberation. All involved knew that a quorum of the board was working towards a final decision outside of the public meeting context. . . . In effect, the public meeting vote on December 9 was a sham. It was orchestrated down to the timing and manner of the vote to avoid any public discussion.” (Slip Op. at pp. 36-37.)

Although this is the first time in Oregon that a court has found that these types of communications constitute a meeting, courts and attorney generals in other states have reached similar conclusions for many years. (See, e.g., *Roberts v. City of Palmdale*, 20 Cal. Rptr. 2d 330, 337 (Cal. 1993), *Dewey v. Redevelopment Agency of the City of Reno*, 119 Nev. 87, 64 P. 3d 1070 (2003), Fla. Atty. Gen. Op. 96-35 (1996), 2/23/94 Idaho Atty. Gen. Op. to Mike Wetherall.)

These types of meetings, often called “serial” or “seriatim” meetings, occur when deliberations or decisions of a quorum of a governing body take place through one-on-one meetings or in meetings with groups less than a quorum, outside of official public meetings, in a deliberate attempt to build a majority for or against a matter. As explained by the California Supreme Court in the *Roberts* case mentioned above, “[o]f course the intent of [California’s open meeting laws] cannot be avoided by subterfuge; a concerted plan to engage in collective deliberation on public business through a series of letters or telephone calls passing from one member of the

governing body to the next would violate the open meeting requirement.” (20 Cal. Rptr. 2d at 337.)

Thus, for example, in the *Dewey* case mentioned above, the Nevada Supreme Court analyzed whether a violation of that state’s public meeting laws occurred when staff of a redevelopment agency met with the entire governing body of the agency outside the scope of a public meeting in separate groups of less than a quorum. The Nevada Supreme Court concluded that no violation occurred because staff did not share the thoughts, questions, or opinions of the members who attended one briefing with the members who attended another briefing. Further, the court stated that there was no evidence of polling by the staff to determine the opinions or votes of the members of the governing body. In addition, the court concluded that there was no evidence in the record that the briefings resulted in the governing body taking action or deliberating on the issue outside of a public meeting. *Dewey v. Redevelopment Agency of the City of Reno*, 119 Nev. 87, 64 P. 3d 1070 (2003)

Likewise, the Florida attorney general has advised that a school board member may prepare and circulate an informational memorandum or position paper to other board members without violating that state’s open meeting laws. However, the attorney general cautioned that use of a memorandum to solicit comments from other board members or the circulation of responsive memoranda by other board members would violate the open meeting laws as such actions would constitute deliberations. (Fla. Atty. Gen. Op. 96-35 (1996); see also, Fla. Atty. Gen. Op. 01-20 (e-mail communication of factual background information from one Councilmember to another is a public record but does not constitute a meeting subject to the Florida’s open meeting laws when it does not result in the exchange of Councilmembers’ comments or responses on subjects requiring Council action)).

Following in the footsteps of these other states, the Lane County decision provides the first instance in Oregon where a court has found a violation of the state’s public meeting laws because of the use of serial meetings. Because of this, city officials and employees in Oregon should be careful not to engage in serial meetings where the thoughts, questions or views of a quorum of a governing body are shared. One-way communications are likely still permissible, but communications that could constitute deliberations or even worse reaching a decision should be avoided.

Lesson #4 – Knowledge of the requirements of the public meeting laws and failure to comply with those requirements might constitute willful misconduct that would subject individual city Councilors to personal liability.

State law includes provisions that require a public body to pay the attorney fees of a plaintiff that is successful in proving a violation of Oregon's open meeting laws. ([ORS 192.680\(3\)](#).) The law further provides that if the violation is the result of willful misconduct by any individual member or members of the governing body, that the member or members shall be jointly and severally liable to the public body for the amount required to be paid to the plaintiffs. (ORS 192.680(4).) The open meeting laws, however, do not define what constitutes "willful misconduct" for the purposes of determining the liability of individual members of a governing body.

In the Lane County decision, the court set forth two different tests that could be used to determine if a public official engaged in willful misconduct in the context of a violation of the public meeting laws. First, the court explained that willful misconduct could require that a public official act with "a conscious objective to violate those particular statutory provisions." In other words, it is conduct that is intended to cause a particular result – a violation of the law. Second, the court explained that, willful misconduct could occur if an official "had knowledge of the law's requirements and thereafter failed to follow those requirements." (Slip Op. at 39.) Because the court concluded that two of the commissioners engaged in willful misconduct under either standard, the court did not decide which standard the public meeting laws require to be proven before liability may be imposed on individual public officials. As part of its conclusion, however, the court specifically mentioned the fact that the commissioners ignored advice from the county counsel to cease engaging in deliberations outside the scope of a public meeting. (Slip. Op. at p. 41.)

As a consequence of the court's decision, city officials should be mindful that a court could very well apply the lesser standard – knowledge of the law's requirements and a failure to follow those requirements – to any violations of the public meeting laws. As such, city officials are encouraged to ask their city staff and city attorneys questions when there is uncertainty about what the public meeting laws require. Likewise, city officials should adhere to advice provided by their city staff members and city attorneys, as failure to do so might result in a finding of willful misconduct.

Medford's Quorum Requirements

A quorum is reached by the participation of 51% of the number of members of the governing body. Medford City Council has a quorum with 5 members present (8 members total). A gathering of less than a quorum is not a meeting under the meetings law. The law applies to committees, subcommittees and other advisory groups that are charged by the Council with making recommendations. The recommendations no longer must be the result of formal votes taken at meetings at

which a quorum was present as decided by the Court of Appeals June 2018 in the *Tri-County Metropolitan Transportation District of Oregon v. Amalgamated Transit Union Local*. The decision determined that emails using “Reply All” were considered decision-making of a governing body that does not occur in a meeting. See Serial Meetings & Email Meetings under the Other Types of Meetings section.

NO BUSINESS CAN BE TRANSACTED
IN THE ABSENCE OF A QUORUM.

A recess may be called to provide time to call absent members in hope of obtaining a quorum for an important meeting. A motion may be made to fix the time to which to adjourn, which provides for a continuation of business scheduled for the meeting. The requirement of a quorum serves to protect against an unrepresented action taken by a small number of individuals on behalf of the entire meeting body. Any actions taken without a quorum can be declared null and void at the next meeting.

Parliamentary Procedure

Parliamentary Procedure is the basic method of conducting business. Business is brought before an assembly by means of a motion. Business meetings are generally governed by Roberts Rules of Order, Newly Revised.

The City Manager's Office has copies of the latest Roberts Rules of Order available to checkout for review.

Basic Principles

1. All members must receive a notice of the meeting
2. There must be quorum present at the meeting
3. There can be only one main motion or resolution before the assembly at a time.
4. Motions have a definite and logical order of precedence.
5. Every member has the right to express his/her opinion fully and freely without interruption, and must be given the opportunity to do so
6. A question must be decided by taking a vote, decided by the majority, and that vote becomes the decision of the assembly. A subject once decided may not be presented again in the same form
7. Action cannot be taken outside the scope of the organization's object or purpose
8. The Mayor must remain impartial

Quorum

Before calling the meeting to order, it is the duty of the Mayor to know whether a quorum is present. See the Oregon Public Meetings Law Section of this handbook for additional information regarding quorum.

Motions

A motion is the means by which business is brought before an assembly. A motion is sometimes referred to as "the question". The following steps are essential in handling a motion.

To Obtain the Floor

1. Address the Mayor by proper title
2. Receive recognition from the Mayor
3. Then states the motion by saying "I move that..."

4. Another Councilmember seconds the motion
5. Mayor repeats the motion and then says
"It has been moved and seconded that (motion). Is there any discussion?"
6. Councilmembers discuss the motion
7. When discussion ceases, Mayor requests the roll call
8. Mayor announces the result of the vote

A motion is a formal proposal and once made and seconded, the Mayor places the question before the meeting body by restating the motion. Exact wording is of the utmost importance in recording motions and amendments. Motions require a second before being opened for discussion or being put to a vote. If there was no second to the motion, the motion dies.

Types of Motions

Main Motion: A main motion is a motion brought before the body for its consideration on a particular subject. Only one main motion can be considered at a time.

Amendment: There are three basic processes of amendment, to:

- (1) Insert a word or add words
- (2) Strike out words or a paragraph
- (3) Combine both of these. An amendment needs a second and is debatable. It needs a majority vote to pass. To amend a pending motion is the most widely used form of subsidiary motion. An amendment must be germane or closely related to the subject of the main motion.

Second Amendment: A secondary amendment must relate to the primary amendment and cannot introduce a totally different subject. The second amendment must be made by motion and seconded. After discussion, Mayor takes the vote on the second amendment first; announces the vote; and proceeds to take the vote on the primary amendment; and then takes the vote on the main motion as amended if the amendments pass.

Previous Question: Previous question is the motion used to bring the body to an immediate vote on one or more pending questions. It closes debate and stops further amendment. It is out of order when another has the floor. It must be seconded and is not debatable and non-amendable. Previous question requires a two-thirds vote (super majority). If a motion for the previous question fails to gain the two-thirds vote, debate continues as if the motion had not been made.

Division of the Assembly: When a Councilmember doubts the correctness of a vote taken by voice, he or she may call for division of the assembly by calling out "Division". No second is needed and the Mayor must immediately take the vote again and ask the Councilmembers to either raise their hands or to rise.

Reconsider: A motion to reconsider is in order during the meeting after a motion has been acted upon either at the same meeting or the next meeting. It must be made by a member who voted on the prevailing side, i.e. if a motion fails to pass, reconsideration must be moved by one who voted against the motion. It is debatable and requires a majority vote.

Point of Order: When a Councilmember believes the parliamentary rules are being violated, he or she can make a "point of order" by calling upon the Mayor to request the parliamentarian for the rule which the Mayor should enforce.

Division of the Question: If a question contains more than one part, each of which could stand as a separate questions, a motion may be made to divide the question and vote on each part separately. The motion to divide requires a second and may be amended, but is not debatable.

Lay on the Table: The motion to "lay on the table" enables the Council to lay the pending question aside temporarily in such a way that (1) there is no set time for taking the matter up again; and (2) its consideration can be resumed at the will of the majority. By adopting the motion to "lay on the table", a majority has the power to halt consideration of the question immediately without debate.

This motion takes precedence over all subsidiary motions. It is out of order when another has the floor. It must be seconded and is non-debatable and non-amendable, but it is appropriate for the maker of the motion to explain the reasons for the motion. It requires a majority vote.

Take from the Table: When a matter is taken from the table, everything is in the same condition as it was when laid on the table. A motion that has been taken from the table can be laid on the table again when an unforeseen matter requires immediate attention. If a matter is laid on the table, it remains there until taken from the table or until the close of the next regular meeting. If not taken up by that time, the motion dies.

To consider another motion on the same subject, it is necessary first to take the question from the table and then move the new proposal as a substitute or to make whatever other motion is appropriate to the cases.

Adjourn: This means to close the meeting immediately. It requires a second and it is non-debatable and non-amendable. It requires a majority vote. Councilmembers should not leave their seats until this motion is made. If an hour has been set by adoption of the Council, no motion to adjourn is necessary when the hour arrives. The Mayor declares the meeting adjourned. When it appears there is no further business, the Mayor can ask if there is any further business to be considered, instead of waiting for a motion. If there is no response, the Mayor can say, "Since there is no further business, the meeting is adjourned."

Fix the time to which to Adjourn: The object of this motion is to set the time and place

for another meeting to continue business of the session with no effect on when the present meeting will adjourn. It is appropriate to use this motion when there are no existing provisions for another meeting. It must be seconded and is debatable. It can be amended and a vote on it can be reconsidered.

Amending a Motion

Changing the wording of a motion is amending it. The main motion and some secondary motions can be amended. Here are some rules to remember:

1. The motion to amend requires recognition and a second, and must be stated by the Mayor. It is debatable and may be amended. The amendment must be voted on; then another amendment is in order, each acted on in order. The fact that the amendment has been acted on does not mean that the main motion is also acted on. After all amendments are acted on, the final vote is on the main motion as amended.
2. If the amendment has failed to carry, it cannot be made again.
3. An amendment improves the main motion. The purpose is to express more clearly and definitely the intent of the motion, therefore an amendment cannot change one form into another.
4. An amendment is debatable in all cases except where the motion to be amended is un-debatable.
5. An amendment is out of order if it nullifies the proposition or if it makes it dilatory.
6. An amendment is out of order if it strikes out words NOT consecutive or if it strikes out and inserts in separate places.
7. No amendment is in order that increases the modification of the rule to be amended.
8. The word "Substitute" is used correctly when referring to a paragraph not to a word. A completely reworded motion is a substitute.

Ways to Amend a Motion

1. By adding words at the end
2. By inserting a word or consecutive words
3. By striking out a word or consecutive words
4. By striking out a word or consecutive words and inserting a word or consecutive words
5. By substitution (replacing the motion with a similar motion)

Correct way to state amendment:

"I move to amend the motion by (one of the ways listed above)..."

Motions not Specifically Classified

There are some motions that are not specifically classified. The ones most commonly used are:

1. To make a nomination: This is a motion not formally moved, but an assumed motion "That...be elected". A member rises and without recognition says, "I nominate..." No second is required but as an assumed motion, it is debatable.
2. To fill a blank: This is closely related to the motion to amend. While there can be only one primary and one secondary amendment pending at the same time, there are times when a number of choices would be more advantages; such as, - selecting a date, time, place, amount, number of persons, or names, or places.

A member may move that a blank be spent for books: or a blank may be created by a motion to strike out a date, time, place, amount, number, names, etc. and insert a blank. If the motion to strike out and insert a blank has carried, then any number of members may suggest, without a second, a different date, time, amount, etc. Each suggestion can be debated if necessary. When all suggestions have been made, a vote is taken on the suggestions until one suggestion receives a majority vote, then that suggestion is placed in the blank and the remaining suggestions are not voted upon. The motion with the blank filled is then considered.

3. Call up the motion to reconsider: If the Mayor neglects to announce the reconsideration of a motion, any member may 'call up' the consideration by rising and obtaining the floor and saying, "I call up the motion to reconsider the vote taken on the motion (state the motion)..." No second is necessary. The Mayor then proceeds to state the motion by saying, "The motion to reconsider the vote on (state the motion)...is called up. Those in favor of reconsidering the vote on the motion will please say Aye." pause "Those opposed will please say no." If the Ayes have it, the motion is open to debate (if it is a debatable motion). After debate, a vote is taken on the motion that was reconsidered.

TABLE 1 - MOTION

MOTION	DEBATABLE	PRIVILEGED	SUBSIDIARY
Fix the time to which to adjourn *	No	Yes	
Adjourn	No	Yes	
Take a Recess *	No	Yes	
Raise a question of privilege	No	Yes	
Call for the orders of the day	No	Yes	
Lay on the table	No		Yes
Previous question (stop debate) (two-thirds)	No		Yes
Limit or extend debate * (two-thirds)	No		Yes
Postpone to a certain time *	Yes		Yes
Commit or refer *	Yes		Yes
Amend *	Yes		Yes
Postpone indefinitely	Yes		Yes
Main Motion *	Yes		

* Can be amended; the others cannot be amended.

Highest ranking motion is listed at the top; lowest ranking motion is at the bottom.

When any one of them is immediately pending, the motions above it are in order and those below it are not in order.

TABLE 2 - RULES GOVERNING MOTIONS

RANKING MOTIONS Order of Precedence

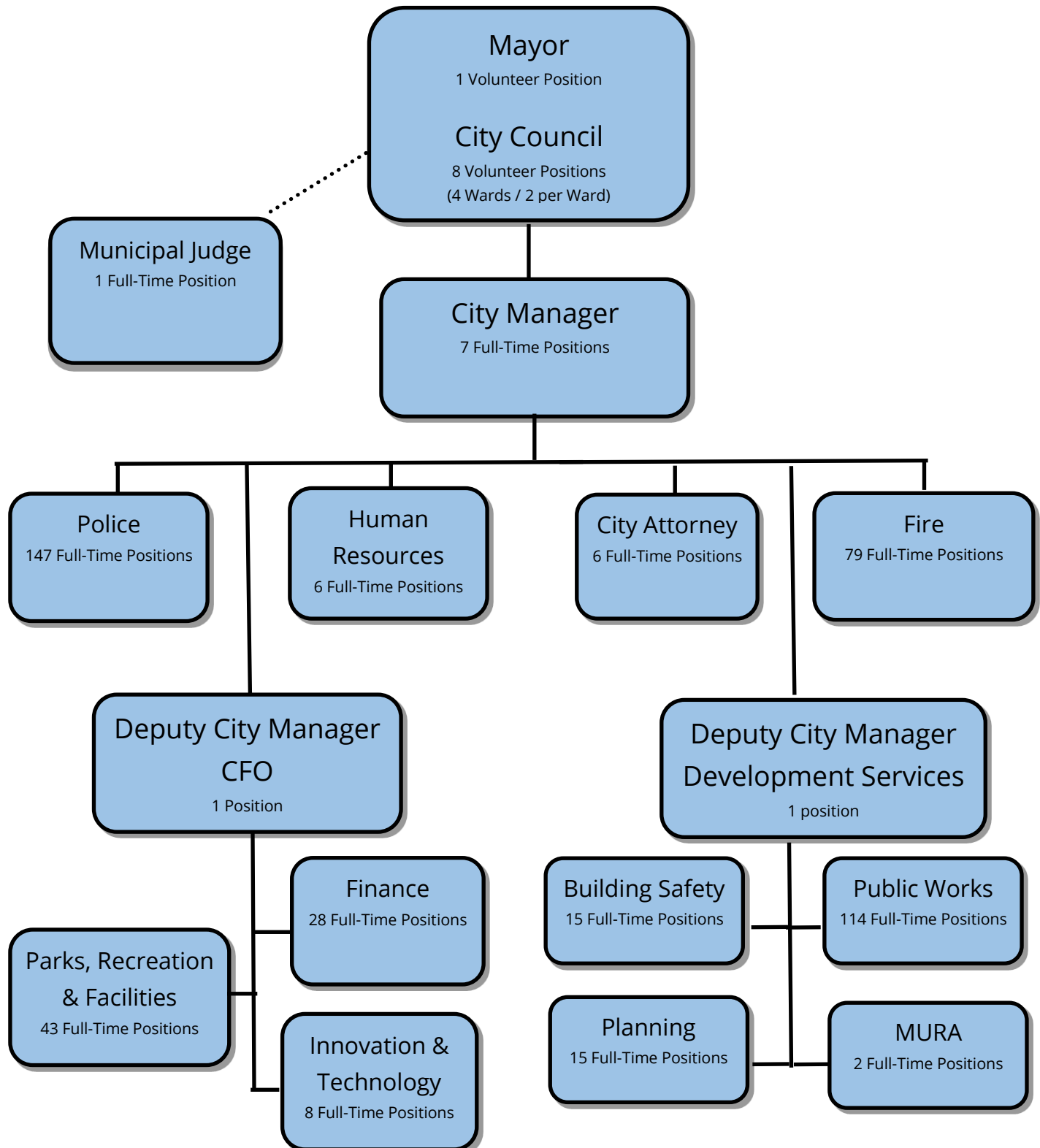
PRIVILEGED MOTIONS	Can interrupt speaker	Requires Second	Debatable	Amendable	Vote Required	Can be Reconsidered
Fix the time TO WHICH to adjourn	No	Yes	No	Yes	Majority	Yes
Adjourn (Unqualified)	No	Yes	No	No	Majority	No
Take a recess	No	Yes	No	Yes	Majority	No
Question of privilege	Yes	No	No	No	*	No
Orders of the Day	Yes	No	No	No	*	No
SUBSIDIARY MOTIONS						
Lay on the table (temporarily)	No	Yes	No	No	Majority	No
Previous Question (Vote immediately)	No	Yes	No	No	2/3	Yes
Limit or Extend Debate	No	Yes	No	Yes	2/3	Yes
Postpone to certain time	No	Yes	Yes	Yes	Majority	Yes
Refer to committee	No	Yes	Yes	Yes	Majority	Yes
Amend	No	Yes	Yes	Yes	Majority	Yes
Postpone Indefinitely	No	Yes	Yes	No	Majority	Aff. only
MAIN MOTION	No	Yes	Yes	Yes	Majority	Yes

*Mayor usually decides. Majority if put to vote.

Those marked with a (2/3) require a two-thirds vote for adoption; the other motions require only a majority vote.



Organizational Chart



Communication with Staff

Communication with Staff

Channel Communications through the Appropriate Senior City Staff

Questions of City staff should be directed to the City Manager, Deputy City Manager or to the appropriate Department Head. The City Manager will be copied on responses to Council by the City staff. Councilmembers should not set up meetings with department staff directly, but work through Department Heads, who will attend any meetings with Councilmembers. When in doubt about which staff contact is appropriate, Councilmembers should ask the City Manager for direction. However, nothing in these protocols is intended to hinder Council from gaining information that is required to fulfill their duties.

All Councilmembers Should Have the Same Information

When responding to a Council request for information, the response will be sent to the entire Council and the City Manager. This allows for full disclosure of information to all of the elected officials.

Staff's Preferred Form of Communication – Email

Staff prefers that email be sent to them with a request for information. Staff also prefers the City Manager be copied on all email.

Phone Calls

Staff will respond to requests for information via phone calls as well. Staff will return the call, but will follow-up with an email to inform the City Manager.

Respect the “One Hour” Rule for Staff Work

City staff will make every effort to respond in a timely and professional manner to all requests for information or assistance made by individual Councilmembers. Individual Councilor requests 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. Requests for staff support should be made to the appropriate Department Head, according to the protocol for channeling communications. Any request, which requires more than one hour of staff time, will need to be approved by the City Manager.

Submit Questions Regarding Council Agenda Items Ahead of the Meeting

In order to provide the Council with timely information, Councilmembers are encouraged to submit their questions on agenda items to the City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting. Having a practice of “no surprises” between the Council and City staff and vice versa fosters a productive working relationship.

Avoid Attendance at Staff Meetings Unless Requested by Staff

Even if the Councilmember does not say anything, your presence may imply support, show partiality, intimidate staff, or hamper staff's ability to do its job objectively.

Depend Upon Staff to Respond to Citizens Concerns and Complaints

It is the role of Councilmembers to pass on concerns and complaints on behalf of their constituents. Refer citizen complaints to the appropriate senior staff member, according to the protocol on channeling communications or to the City Manager if not sure of the appropriate staff. The senior staff member should respond accordingly. Senior staff is responsible for making sure the Councilmember knows how the complaint was resolved.

Depend Upon Staff to Make Independent and Objective Recommendations

Staff is expected to provide its best professional recommendations on issues, providing information about alternatives as appropriate, as well as pros and cons for recommendations and alternatives. Staff respects the role of Council as policy makers for the City and understands that Council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

The City Manager and Staff are Supporters and Advocates for Adopted Council Policy

Regardless of whether it was staff's preferred recommendation or not, staff will support and act upon the adopted Council policy and direction.

Senior Staff List

Note that all City staff have the same email format. It is their first and last name, separated by a period @ cityofmedford.org. For example, John Smith's email would be John.Smith@cityofmedford.org. All extensions begin with 774. For example, extension 2362 would be 774-2362.

Department	Senior Staff	Title	Ext.
Building	Sam Barnum	Building Safety Director	2362
Building	Chad Wiltrout	Asst. Building Safety Director	2363
Building	Carol Wedman	Development Services Manager	2367
City Manager's Office	Brian Sjothun	City Manager	2002
City Manager's Office	Kelly Madding	Deputy City Manager	2009
City Manager's Office	Donna Holtz	Chief Administrative Officer	2090
City Manager's Office	Winnie Shepard	City Recorder	2003
City Manager's Office	Kristina Wilson	Communications & Marketing Manager	2087
Finance	Ryan Martin	Deputy City Manager/CFO	2033
Finance	Trevor Williams	Deputy CFO	2038
Fire	Eric Thompson	Fire Chief	2301
Fire	Devon Brown	Deputy Chief of Operations	2302
Fire	Chris Howard	Deputy Chief of Professional Standards	2306
Fire	Chase Browning	Fire Marshal	2315
Fire	Aaron Ott	Emergency Management Coordinator	2322
Human Resources	Bonnie Barasch	Human Resources Director	2011
Human Resources	Jill Auburn	Senior Human Resources Analyst	2012
Innovation & Technology	Barbara Madruga	Innovation and Technology Director	2064
Legal	Eric Mitton	City Attorney	2024
Legal	Katie Zerkel	Deputy City Attorney	2095
Medford Urban Renewal Agency	Harry Weiss	MURA Executive Director	2701
Parks & Recreation	Rich Rosenthal	Parks, Recreation & Facilities Director	2483
Parks & Recreation	Tim Stevens	Parks, Recreation & Facilities Assistant Director	2689
Parks & Recreation	Jesse Nyberg	Recreation Superintendent	2482
Parks & Recreation	Jennifer Sparacino	MPRD Office Administrator	2402

Planning	Matt Brinkley	Planning Director	2381
Planning	Kelly Akin	Assistant Director-Current Planning	2383
Planning	Sheila Giorgetti	Planning Office Administrator	2398
Police	Justin Ivens	Police Chief	2234
Police	Trevor Arnold	Deputy Chief of Support	2272
Police	DJ Graham	Deputy Chief of Operations	2207
Public Works	John Vial	Public Works Director	2101
Public Works	Alex Georgevitch	Deputy PW Director/City Engineer	2114
Public Works	Luke Anderson	PW Operations Division Manager	2632
Public Works	Johnny Leavy	WRD Supervisor	2755
Public Works	Lorraine Peterson	PW Business Manager	2122

City Departments

Building Department

(541) 774-2350

The Building Safety Department is responsible for administering adopted building codes and standards to protect the life, property, and health of those who work, live and visit the City of Medford. The department reviews building plans, and issues permits for all construction within the City for new buildings, additions, remodels, fences, retaining walls, swimming pools, etc. City inspectors make routine and scheduled inspections during each phase of construction. The Building Safety Department also abates dangerous buildings and structures.

City Manager's Office (CMO)

(541) 774-2000

The City Manager serves as the Chief Executive Officer over City operations, oversees preparation and management of the fiscal budget, and implements City Council policy. The City Manager and his staff provide direct support to the Mayor and City Councilmembers.

All City employees except the Municipal Judge are under the City Manager's supervision. The City Manager's staff assist him by coordinating various interdepartmental projects, developing reports, reviewing the budget, and conducting financial and other analyses.

The City Recorder serves as the clerk for the Council and Medford Water Commission and is responsible for recording and preparing official minutes of Council meetings. Records in this office date back to 1885, when Medford was first incorporated as a City. The City Recorder serves as elections officer for the City by issuing official measures to be voted on by Medford citizens, takes applications for the position of Mayor or positions on the City Council, and administers the oath of office to elected officials and police officers.

The City's Communications & Marketing Manager provides official city information and communications to the public across multiple platforms including print publications, broadcast video, web communications and social media. The Communications & Marketing Manager liaisons between the media and city staff, and coordinates with local, regional, and state authorities to disseminate news and information to the public.

Finance Department**(541) 774-2030**

The Finance Department Includes general accounting, purchasing, utility billing and supervision of the Municipal Court. The department provides for effective fiscal management and accounting in accordance with generally accepted accounting principles and Oregon Revised Statutes.

The Administration Division provides general accounting services for the City of Medford and the Medford Urban Renewal Agency including the issuing of bonds; the processing of accounts receivable, accounts payable, special assessment collections, payrolls, banking and investments, budget preparation, and fixed asset accounting.

The Purchasing Division provides for procurement of City materials and services and equipment, processes bids and contracts and oversees management of City property.

Municipal Court staff set up court and jury trials, and process and maintain court records. Municipal Court handles citations for various City ordinance and traffic violations and issues warrants, subpoenas, summons, and driver license suspension requests.

Fire Department**(541) 774-2300**

The mission of the Medford Fire Department is to serve, educate, and protect its citizens from the effects of hostile fire, medical emergencies, hazardous material exposures, and natural and manmade disasters. The members of the department serve in five divisions: Administrative, Operations, Prevention, Training/EMS, and Planning.

The Administrative Division provides budget administration, management of daily business activities, and clerical support for the entire department. The Operations Division provides firefighting and emergency medical response to save lives, limit property damage and manage emergencies. The division manages daily field activities for three shifts utilizing five fire stations. It also coordinates the regional hazardous materials efforts for the department.

The Prevention Division provides enforcement of fire and life safety codes, fire suppression systems, determination of fire causes, arson investigations and fire safety information to the public. The Training/EMS Division manages human

resource development including specialized training, hiring, promotions and the department's safety program. The division also manages emergency medical services.

Human Resources Department

(541) 774-2010

The Human Resources Department provides administrative support to all City departments. Responsibilities include wage and benefit administration; labor negotiations and contract administration; guidance in employee discipline and processing of labor contract grievances; worker's compensation and unemployment claims; compliance with labor law; and compensation and benefit surveys. Additional functions include recruitment, testing and certification of job candidates; equal employment opportunity; employee orientation; maintenance of position classification specifications; personnel records; administrative support for City safety programs; and advisory assistance in training.

Innovation & Technology Department

(541) 774-2050

Computer automation has now become an integral part of doing business with the City of Medford. Innovation & Technology (IT) is very proactive in evaluating the needs of the City and formulating a plan to implement computer automation. IT manages and supports Citywide information systems and services; including planning and project management, analysis and programming, network administration, and user assistance and training. The department also represents the City on multi-agency projects. The IT Department is responsible for forming multi-departmental user groups that deal with major issues pertaining to financial, budgeting and other citywide computer applications, Geographic Information Systems (GIS), and Imaging Systems. IT focuses on computer automation that will cut costs, increase productivity, as well as increase the level of service to both internal and external customers.

Legal Department & Risk Management

(541) 774-2020

The City Attorney and staff provide legal services to City elected officials, all City departments, and boards and commissions. The City Attorney's Office represents the City Council, but not individual City Councilmembers. The attorneys represent the City in civil litigation and administrative proceedings; review or prepare ordinances, contracts and other legal documents; and perform legal research and prepare legal opinions. This office is also responsible for prosecution of traffic and

ordinance violation cases in municipal court. The Legal Department publishes and distributes the Medford Code and provides regular updates to subscribers. The Medford Code is also available to the general public on the City's website at www.medfordoregon.gov. The Legal Department only handles legal questions and issues directly involving the City of Medford. Our attorneys cannot give legal advice to citizens. If you are seeking legal advice or representation, please consult a private attorney.

Risk Management is tasked with safeguarding the physical, financial and human resources of the City of Medford. The ADA program, claims management processes and insurance administration duties (including property, liability and unemployment insurances) are administered by the Risk Manager.

Medford Urban Renewal Agency (MURA) (541) 774-2701

The mission of the Medford Urban Renewal Agency is to eliminate blight and depreciating property values in the Urban Renewal Area as defined in the City Center Revitalization Plan. The authority of the Agency to implement the City Center Revitalization Plan is authorized by both state and local law.

The Agency shall be exercised by a Board of Directors consisting of nine members made up of the Mayor and City Council.

Medford Water Commission (541) 774-2430

Responsibility for operation of the City's water supply system lies with the Medford Water Commission. While wholly owned by the City of Medford, the Commission functions independently from other City operations. It is governed by a five-member Board of Water Commissioners, who serve five-year overlapping terms. In addition to providing water service to the citizens of Medford, the Commission also serves two water districts and the White City area. Additionally, the Commission currently provides water to the cities of Ashland, Central Point, Eagle Point, Jacksonville, Phoenix and Talent on a wholesale basis.

The Medford Water Commission's primary source of water is the Big Butte Springs, located about thirty miles northeasterly of Medford, near Butte Falls. The springs supply the system with up to 26.4 million gallons of water per day (MGD), requiring no treatment except disinfection. The Rogue River is used as a supplemental source during the summer months. Rogue water is withdrawn and treated through a

process of coagulation, settling, filtration and disinfection at the Robert A. Duff Water Treatment Plant. Located near TouVelle Park, the Duff Treatment Plant has a current capacity of 45 MGD, with an expansion ability to meet future needs.

Parks, Recreation and Facilities Department (541) 774-2400

The mission of the Parks and Recreation Department is to provide opportunities for a full range of recreational facilities and programs for all age groups within our expanding population. Through provision of recreation and park services, the department enhances Medford's quality of life and nurtures the health and well-being of its citizens, the environment, and economy.

The Parks and Recreation Department has six operating divisions: Administration, General Recreation, Arts and Cultural Events, Parks Maintenance, Street Trees, and Facilities Management.

The Administration Division is responsible for the overall direction and coordination of the entire department as well as the City's park acquisition and development program. The Recreation Division is responsible for providing opportunities year round for recreation programs, leisure activities, athletic leagues and special interest classes for youth, adults and families as well as seasonal aquatic lessons and swim activities.

The Parks Maintenance Division is responsible for the care and maintenance of all City owned park land. The Street Tree program is responsible for the trees in the right-of-way on arterial and collector streets within the City. The Facilities Management Division is responsible for the care and maintenance of all City facilities.

Planning Department (541) 774-2380

The Planning Department has three primary areas of focus in the division overseeing Long-range and Current Planning, and Housing & Community Development.

Long-range planning develops, maintains and administers the Comprehensive Plan. The Comprehensive Plan is the official statement of the City's long-range goals and policies governing growth, development, public facilities, and environmental protection. Oregon land use law requires comprehensive plans to be consistent with the Statewide Planning Goals.

Current Planning administers development review and permit applications enforcing land use regulations in the Medford Land Development Code (MLDC). The MLDC contains a description of each of the City's land use zones and what types of uses are allowed. Current Planning applies the MLDC set of procedures that must be utilized during the initial local-level decision and the procedures that must be adhered to on appeal.

Housing & Community Development creates and implements the Medford Five-Year Consolidated Plan. The Consolidated Plan is a comprehensive planning document that identifies the City's overall needs for housing and community development and outlines a five-year strategy to address those needs adopted by City Council. This area conducts the City's Analysis of Impediments to Fair Housing Choice and implements the Homeless System Action Plan. In addition, Housing & Community Development administers the Community Development Block Grant (CDBG), General Fund Grant, Housing Opportunity Fund, and Homeless System Action Plan funding programs.

Police Department

(541) 774-2200

The Police Department provides services to protect the life and property of Medford citizens, including patrol operations, criminal investigations, and code enforcement. Community service officers, school resource officers, and additional personnel who are responsible for property, records and statistical maintenance and retrieval further support these operations.

Public Works Department

(541) 774-2100

The Public Works Department's mission is to plan, design, build and maintain quality public facilities that will provide the citizens of Medford with a trouble-free environment in which to live.

Public Works - Engineering and Development Division

(541) 774-2100

The Engineering and Development Division provides services related to the expansion of the public infrastructure. The Development Engineering and Administration Support Section reviews all privately financed (developer) projects for compliance with City standards. It also administers the street, storm drain and sanitary sewer SDC fees. The Civil Engineering Section plans, funds, designs, contracts and inspects the City's street, storm drain, sanitary sewer and sidewalk projects. It also reviews and inspects privately financed public infrastructure

projects. The Traffic Engineering Section provides for safe and efficient traffic flow through the use of transportation planning, traffic signal and street light construction, signal timing, traffic surveys and traffic accident analysis.

Public Works Operations Division

(541) 774-2600

The Public Works Operations division plans, coordinates and performs maintenance activities for streets and public rights of way, storm and sanitary sewer systems, traffic control systems such as signals, signing and pavement markings. The division also maintains the City's fleet of fire, police, public works and parks vehicles and equipment.

Public Works - Water Reclamation Division

(541) 774-2750

Public Works operates and maintains the Regional Water Reclamation Facility (RWRF), as well as overseeing the planning, design and construction of capital improvements. Under a regional agreement, the RWRF provides wastewater treatment for the cities of Central Point, Jacksonville, Medford, Phoenix and Talent, and for the sewerage areas served by the Rogue Valley Sanitary Services. The WRD also manages the regional industrial waste pretreatment program.



Title: Harassment and Non-Discrimination

Purpose:

The City is committed to providing equal employment opportunities to all persons regardless of race; color; religion; ancestry; national origin; age; marital or veteran status; physical or mental disability; on-the-job injuries; sex or pregnancy; sexual orientation, gender expression, or gender identity; military service; domestic violence victim; or any other legally protected status under State or Federal law, unless it is a bona fide occupational requirement reasonably necessary to the operation of the City's business. This includes but is not limited to hiring, termination, layoffs, job assignments, promotions, and pay.

We are also committed to providing a work environment that is free of all forms of unlawful harassment or discrimination. We will not tolerate the harassment or discrimination of our employees by anyone, including but not limited to: supervisors, co-workers, interns, volunteers, members of the public, elected or appointed officials, vendors or contractors.

Definitions:

Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature if (1) submission to the conduct is in any way made a term or condition of employment; (2) submission to (or rejection of) the conduct is used as the basis for any employment-related decision; or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This means no sexual or sexist language, jokes or innuendo; nude, profane, or obscene cartoons, drawings or photographs; whistling or catcalling; staring or leering; pinching, patting, inappropriate touching, unwelcome touching, unwelcome hugging or kissing; etc., or other conduct that might create or contribute to a hostile or offensive working atmosphere.

Workplace Harassment

Unwelcome, unwanted or offensive conduct based on or because of a person's

protected class is Workplace Harassment. We want to maintain a working environment free from all forms of unlawful harassment, whether based on race; color; religion; ancestry; national origin; age; marital or veteran status; physical or mental disabilities; on-the-job injuries; sex or pregnancy; sexual orientation or gender identity; military service; domestic violence victim; or any other legally protected characteristic or status. This means no ethnic jokes; religious slurs; use of offensive "slang" or derogatory terms or slurs denoting race, age, national origin, disability, etc.; mimicking one's speech, accent, or disability; derogatory comments regarding protected statuses or characteristics; or other conduct that might create or contribute to a hostile or offensive working atmosphere.

Policy:

Higher Standard Supervisors, managers, and department heads are held to a higher standard and are responsible to ensure that harassment does not occur in their work areas. They are expected to exercise reasonable care to prevent and promptly correct any discrimination, workplace harassment, or sexual harassment they know about or should know about. Supervisors and managers who know or should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action up to and including termination.

Reporting Unlawful Discrimination or Harassment

Anyone who is subject to or are aware of what they believe to be discrimination, workplace harassment, sexual harassment or sexual assault should report that behavior to a supervisor, department head OR directly to the Human Resources Director if you are not comfortable doing so at the supervisor or department head levels.

Reports can be made verbally or in writing or through Red Flag Reporting and should contain the name of the person making the complaint and the name of the person who has been discriminated or harassed if they are not the same person. The names of those involved including witnesses and the specifics of the conduct, action or behavior the complainant believes is a violation of this policy. The date and/or time frame in which the alleged conduct occurred.

A report should be made to the designated individual within five (5) years of the occurrence.

Upon receipt of a report of prohibited discrimination, workplace harassment, sexual harassment, or sexual assault, the designated individual or their designee shall provide a copy of this policy to the employee. The designated individual or their designee shall maintain appropriate records of all complaints.

Designated Individual

The Human Resources Director or their designee is the designated individual responsible for receiving reports of prohibited conduct and ensuring that all complaints are promptly and thoroughly investigated in as confidential a manner as possible under the circumstances. If a report is received alleging prohibited conduct by the City Manager, the HR Director or their designee will notify the Mayor and City Council President of the allegation. Whenever a supervisor witnesses or receives a complaint of harassment or discrimination, he/she shall report the incident to the Human Resources Director. Appropriate corrective action will be taken, up to and including termination, where violations have occurred.

No employee will be discriminated or retaliated against in any way for bringing a question or complaint to our attention or cooperating in an investigation of harassment.

Investigation

The designated individual will coordinate and conduct or delegate responsibility for coordinating and conducting an investigation into the allegation.

Any complaint will be taken seriously and an investigation will be initiated as soon as possible.

Unless the victim signs a waiver of the employer's responsibility to conduct follow-up contacts with the victim, the employer shall follow-up with the victim of the alleged workplace harassment once every three months for a calendar year following the date on which the City received the report of workplace harassment to determine whether the alleged harassment has stopped or if the victim has experienced retaliation.

Retaliation

This policy prohibits retaliation against employees as a result of them:

- filing a complaint;
- participating in an investigation;

- reporting/observing discrimination, workplace harassment or sexual harassment.

Employees who believe they have been retaliated against for actions cited herein are encouraged to report the matter to their supervisor, manager, department head OR directly to the Human Resources Director if they are not comfortable doing so at the supervisor, manager or department head levels.

Confidentiality

All complaints will be dealt with in a discreet and confidential manner, to the extent possible. All parties are required to cooperate with the investigation and keep information regarding the investigation confidential.

Notice of Completion

The Human Resources Director/designee will notify the complainant and the accused when the investigation is concluded. The HR Director/designee will notify the Mayor and City Council President as to the final results of any investigation into the City Manager. The complainant will be advised if any part of the complaint is substantiated and that action has been taken. The complainant will not be given the specifics of the action. The complainant and the accused will be notified if the complaint is not substantiated.

Documentation

Any supervisor, department head or HR Director or their designee who receives a report of discrimination or harassment, must document such reports.

Any employee, supervisor or department head who observes or experiences what they believe to be incidents of discrimination or harassment should also document such incidents.

The City must maintain records of workplace harassment including:

- The date of the incident
- The date the complaint was received by the designated individual or their designee.
- The dates the investigation was started and closed.
- The investigation report.
- The outcome of the investigation and any actions taken by the City.

- The dates the City followed up with the victim, or a signed waiver of the City's responsibility to conduct follow up contacts with the victim.

Violations

Employees whose conduct violates this Administrative Regulation will be subject to disciplinary action up to and including termination.

Supervisors and Department Heads who know or should know of conduct in violation of this A/R who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action up to and including termination.

Prohibited Employment or Settlement Agreements

The City of Medford will not require, coerce or enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation or the receipt of benefits that contains a non-disclosure provision, a non-disparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing conduct that:

- Constitutes discrimination prohibited by ORS 659A.30, including conduct that constitutes sexual assault; or
- Constitutes discrimination prohibited by ORS 659A.082 or 659A.112 and that occurred between employees or between the employer and an employee in the workplace at a work-related event that is off the employment premises and coordinated by or through the employer; or
- Occurred between an employer and an employee off the employment premises.

Exceptions:

The City may enter into a settlement, separation or severance agreement that includes one or more of the following, only when an employee claiming to be aggrieved by conduct described under Prohibited Employment or Settlement Agreements section in this policy requests to enter into the agreement:

1. A provision described in section titled Prohibited Employment or Settlement Agreements of this policy;
2. A provision that prevents the disclosure of factual information relating to a claim of discrimination or conduct that constitutes sexual assault; or

3. A no-rehire provision that prohibits the employee from seeking re-employment with the employer as a term or condition of the agreement.

An agreement entered into under the Exceptions subsection of this section must provide the employee at least seven days after executing the agreement to revoke the agreement.

The agreement may not become effective until after the revocation period has expired.

If an employer makes a good faith determination that an employee has engaged in conduct prohibited by ORS 659A.030, including sexual assault, conduct prohibited by ORS 659A.082 or 659A.112, or conduct prohibited by this section, the employer may enter into a settlement, separation or severance agreement that includes one or more of the following:

1. A provision described in the section titled Prohibited Employment or Settlement Agreements of this policy;
2. A provision that prevents the disclosure of factual information that relates to a claim of discrimination or conduct that constitutes sexual assault; or
3. A no-rehire provision that prohibits the employee from seeking re-employment with the employer as a term or condition of the agreement.

For violations that occur after October 1, 2020, an employee may file a complaint under ORS 659A.820 for violations of this section and may bring a civil action under ORS 659A.885 and recover relief as provided by ORS 659A.885 (1) to (3).

This section does not apply to an employee who is tasked by law to receive confidential or privileged reports of discrimination, sexual assault or harassment. A victim of workplace harassment may voluntarily disclose information regarding an incident of workplace harassment that involves the victim.

Other Reporting Options:

Nothing in this policy prevents any person from filing a formal grievance in accordance with a Collective Bargaining Agreement (CBA); a formal complaint with the Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC).

Nothing in this policy prevents any person from seeking remedy under any other available law, whether civil or criminal.

Approved:



Brian Sjothun, City Manager

08/24/2021
Date

Legal Reference(s):

[Title VII; Civil Rights Act of 1964](#)

[Employment Act of 1967](#)

[Americans with Disabilities Act of 1990](#)

[Oregon Revised Statute 659A.30, 659A.082, 659A.112, 659A.820, 659A.885](#)

[Bureau of Labor and Industries](#)

[Equal Employment Opportunity Commission](#)



Title: Violence Free Workplace

Purpose:

This regulation is intended to protect public health and safety and to minimize the city's liability exposure, and provide a workplace safe from threats or incidents of violence of any form.

Definitions:

"Threats or acts of violence" include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the workplace conditions at the City of Medford, or to create a hostile, abusive, or intimidating work environment for one or more City of Medford employees, volunteers, elected or appointed officials.

Examples of Workplace Violence

General examples of prohibited workplace violence include, but are not limited to, the following:

- 1) All threats or acts of violence occurring on City of Medford property, regardless of the relationship between the City and the parties involved in the incident.
- 2) All threats or acts of violence not occurring on City property but involving someone who is on work time or acting in the capacity of a representative of the City of Medford.
- 3) All threats or acts of violence not occurring on City property involving employees, volunteers, elected or appointed officials of the City of Medford if the threats or acts of violence affect the legitimate interests of the City of Medford, including but not limited to conduct committed while in City uniform or while driving a City vehicle .
- 4) Any threats or acts resulting in the conviction of an employee or agent of the

City of Medford, or of an individual performing services on the City's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the City of Medford.

Specific Examples of "Threats or Acts of Violence"

Specific examples of conduct that may be considered "threats or acts of violence" prohibited under this policy include, but are not limited to, the following:

- 1) Hitting or shoving an individual.
- 2) Threatening to harm an individual or his/her family, friends, associates, or their property.
- 3) The intentional destruction or threat of destruction of property owned, operated, or controlled by the City of Medford.
- 4) Making harassing or threatening telephone calls, letters or other forms of written or electronic communications.
- 5) Intimidating or attempting to coerce an individual to do wrongful acts that would affect the business interests of the City.
- 6) Harassing surveillance, also known as "stalking", the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety.
- 7) Suggesting or otherwise intimating that an act to injure persons or property is "appropriate."
- 8) Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City property.

While employees of the City may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, it is the City's policy that employees are to use them only in accordance with departmental operating procedures and all applicable City codes and regulations and State and Federal laws.

Policy:

All employees, volunteers, members of the public, elected or appointed officials, vendors, or contractors are responsible for maintaining a safe and healthful work

environment. Acts or threats of physical violence, including intimidation, harassment, coercion, or other disruptive behavior which involves or affects the City of Medford or which occur on City property will not be tolerated. Consistent with the City's Administrative Regulation 201 regarding unlawful discrimination and harassment, it is expected that employed, contracted, elected or appointed individuals with the City treat their coworkers and other members of the public with dignity and respect at all times. Civility in the workplace is an expected form of behavior.

Further, the City will respond appropriately to all reported incidents; will act to stop inappropriate behavior; and supervisors and all of the departments involved in responding to incidents will be supported by the City's management team in their efforts to deal with violent and potentially violent situations.

Application of Prohibition:

The City of Medford's prohibition against threats and acts of violence applies to all persons involved in the City's operation, including but not limited to City personnel, contract and temporary workers, elected or appointed officials and anyone else on City of Medford property. Violations of this policy by any individual on City property, by any individual acting as an employee or agent of the City while not on City property, or by any individual not on City property when his/her actions affect the public interest or the City's business interests will be followed by legal action, as appropriate.

Violation of any provision of this policy may lead to disciplinary action up to and including termination, as provided in the Municipal codes, City Administrative Rules and Regulations or applicable collective bargaining agreement.

Procedures:

Actions to be Taken

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City of Medford property will be removed from the premises by a police officer as quickly as safety permits, and shall remain off the City of Medford's premises pending the outcome of an investigation. The City will initiate

a decisive and appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

Whenever the Human Resources Department, after consultation with the affected department and the Police Department, determines that an individual terminating employment with the City of Medford may pose a threat to employees of the City, the employee shall be advised that he/she is barred from City property, and the HR department shall notify other city departments of the trespass order, and the need for precautionary actions pursuant to departmental safety plans and procedures. The HR department shall divulge only information necessary to protect the safety of all employees.

Employee Obligations

Each employee of the City is required to report incidents of threats or acts of physical violence of which he/she is aware. The report must be made to the reporting individual's immediate supervisor, or if the immediate is not available or the employee does not feel comfortable reporting the issue to the immediate supervisor, to either a management level supervisory employee or the City's Human Resources Department. The City understands the sensitivity of the information reported and will recognize and respect the privacy of the reporting individual(s) to the extent possible. Identification of the reporting party shall be provided on a confidential basis to the fullest possible extent consistent with the purposes of this policy.

Supervisory Obligations

Each supervising employee shall promptly refer any such incident to the Human Resources Department and an appropriate management level supervisor, who shall take corrective action in accordance with the Municipal codes, City Administrative Rules and Regulations and any applicable collective bargaining agreement. Concurrently with the initiation of any investigation leading to a proposed disciplinary action, the management level supervisor shall report the incidents of threats or acts of physical violence to the Medford Police Department, which shall make a follow-up report to the City's Human Resources Department.

Nothing in this policy alters any other reporting obligation established in City policies or in state, federal or other applicable law.

Non-Employee Reporting

In cases where the reporting individual is not a City employee, the report should be made to the City of Medford Police Department. The Police Department will advise the Human Resources Department of the reported incident to ensure appropriate action.

Restraining or Protective Order

All individuals who apply for or obtain a protective or restraining order which lists specific City locations as being protected areas shall provide to a management representative of the City a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

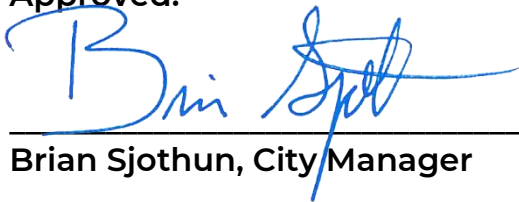
Dissemination of Policy

All employees, elected or appointed officials will be given copies of this policy, and asked to acknowledge that they have read and understand it. All new employees, elected or appointed officials will be given a copy of this policy as part of their orientation by the Human Resources Department.

Employee Questions

Questions regarding an employee's rights and obligations under this policy should be directed to the employee's department head or the Human Resources Department.

Approved:



Brian Sjothun, City Manager

10/15/2018
Date

Legal Reference(s):
Administrative Regulation 201



The City Council invites involvement from citizens through the following Boards and Commissions (not including various ad hoc committees):

Alba Sister City Committee

Audit Committee

Budget Committee

Commission on Access, Diversity, Equity and Inclusion (CADEI)

Housing Advisory Commission

Community Services and Development Commission

Medford Urban Renewal Budget Committee

Parks & Recreation Commission

Arts Commission

Cemetery Commission

Tree Committee

Planning Commission

Landmarks & Historic Preservation Commission

Site Plan & Architectural Commission

Police Advisory Committee

Transportation Commission

Bicycle & Pedestrian Advisory Committee

Parking Committee

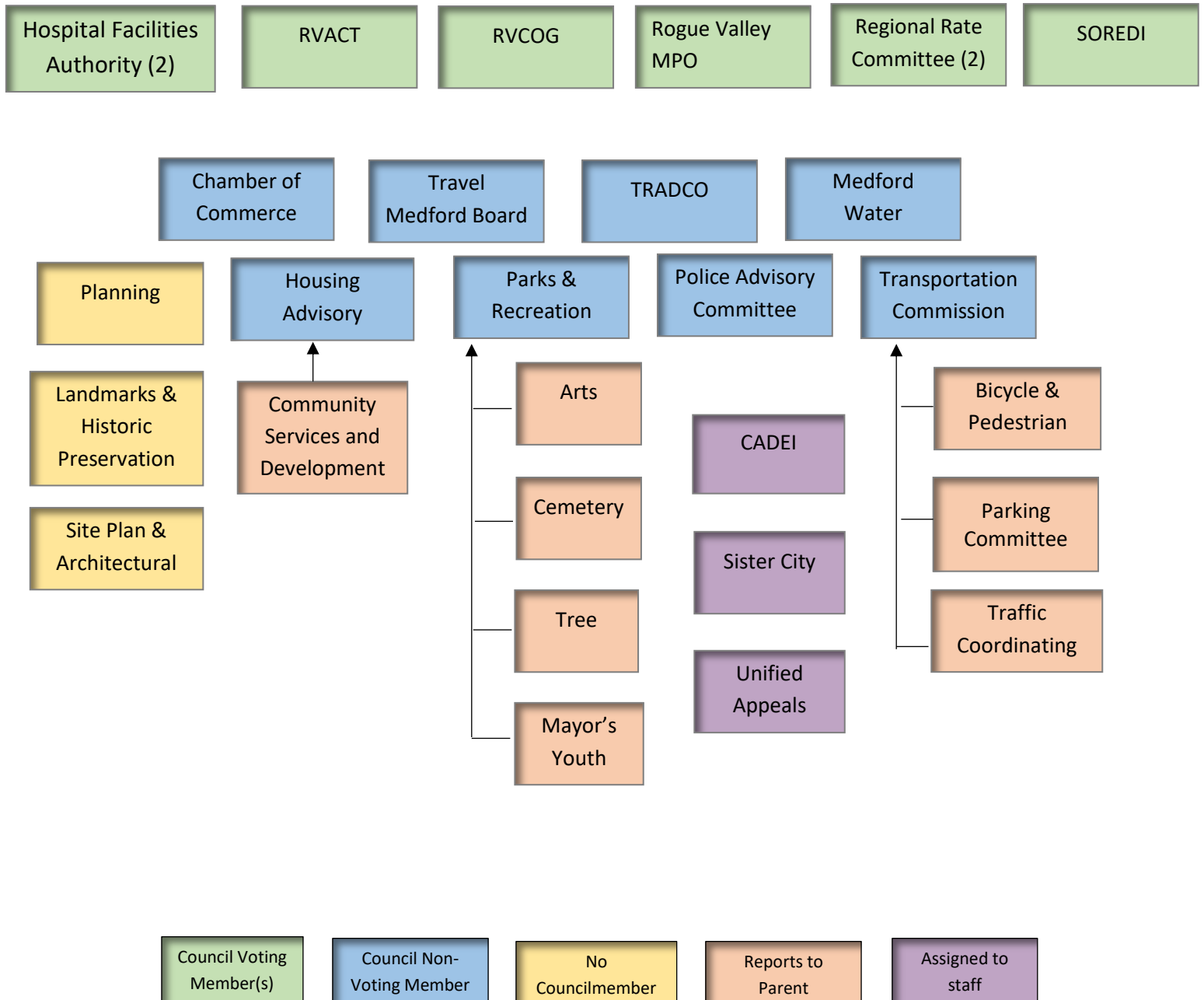
Traffic Coordinating Committee

Unified Appeal Board

Medford Water Commission



Boards & Commission Organizational Chart



Council Liaison to Boards and Commissions

Medford Code 2.436 Council Liaison

- (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

The role of Council liaison shall include the following:

- (a) Secure alternate if unable to attend;
 - (i) If an alternate is attending, brief alternate regarding materials for meeting and issues that could arise;
 - (b) 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;
 - (c) Provide the communication link from the Council to the board or commission;
 - (d) Relay Council direction to board or commission to assist them in fulfilling their goals and duties as defined by the Medford Code; and
 - (e) Be knowledgeable regarding issues and vision of the board or commission.
- (2) Council liaisons shall not be considered members of, nor count towards a quorum of, the board or commission they are appointed to.

- (3) Council liaisons shall not deliberate on nor vote on any matter presented to their commission or board. Liaisons are communicators between the volunteer commission/board and the City Council. Liaisons should assist with problems and clarifications which develop, but should not stifle the work of the commission/board.
- (4) With respect to City boards and commissions that make quasi-judicial decisions (explained in further detail on page 62) that can be appealed to the City Council, Council liaisons shall not participate in any discussion of the matter that can be appealed. These types of Boards and Commissions include but are not limited to: Site Plan and Architectural Commission, Planning Commission, Landmarks and Historic Preservation Commission.
- (5) When the City Council is sitting as the Board for the Urban Renewal Agency, no Council liaison will be appointed.
- (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 Councilmember may act as a voting member of the Board, not as a Council liaison. Those Councilmembers, 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.

Support Staff for Boards and Commissions

Each Board and Commission has at least one staff person assigned to the group. City staff perform the ministerial and housekeeping functions outlined below and do not vote. These City employees have a responsibility to assure that the board or commission is aware of laws and administrative processes affecting proposed policy and operational recommendations.

Support staff must be constantly aware of the responsibility to represent overall Council priorities and administrative policies of the City. The staff coordinator's main responsibilities are to assist the board or commission in its functions and to represent the City of Medford.

Other responsibilities include the following:

- Provide professional and technical advice
- Present a balanced report on controversial issues, so that both positive and negative aspects can be readily identified.
- Inform board and commission members about activities, projects, and work that is taking place elsewhere in the organization and among other boards or commissions.
- Provide clerical assistance for the preparation, duplication, and distribution of board and commission letters, reports and minutes
- Maintain public records created by the board or commission, including minutes or action summaries, reports, recommendations, and letters as required by State law
- Prepare the board or commission agenda in consultation with the Chair
- Notify board and commission members of upcoming meetings
- Secure meeting rooms for board and commission meetings

Responsibilities of Boards and Commissions

All Boards and Commissions should regularly solicit public testimony under guidelines established by the Oregon Public Meetings Law and City Code. Public forums should be held for issues with major public impact.

Communications from Boards and Commissions to Council

The Council relies on various Boards and Commissions to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, board and commission members can expand the level of expertise and conduct detailed analyses that Council itself may not have the time to pursue.

It is expected that Boards and Commissions will adopt positions of advocacy within the limits of the responsibilities Council and the Code have assigned the respective Boards or Commissions. However, the Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation, not only on the particular area of interest, but on all other City goals and programs.

Boards and Commissions Communication Guidelines

Volunteer members of City Boards, Commission and Committees serve at the pleasure of the Council and are expected to use decorum in meetings as outlined in MMC 2.065. Council may vote to remove certain members of Boards, Committees

and Commissions during their term by majority vote of the Mayor and Council for any lawful reason per MMC 2.430.



Land use matters are highly regulated by state statutes. Not only is there significant substantive regulation (i.e. what use can be made of land), but there also are pervasive regulations governing how a local government must make decisions that involve the use of land.

State Land Use Laws

In 1973, the Legislature adopted Senate Bill 100 established a statewide planning and land use management program which is implemented by local governments through land use decisions. The legislation also established the Land Conservation and Development Commission (LCDC) to develop Statewide Planning Goals and Guidelines. Local governments were required to adopt comprehensive land use plans to implement the Goals developed by LCDC. Local governments' comprehensive plans have been approved, or "acknowledged" by LCDC to ensure Goal compliance.

As a result of a 1973 decision by the Oregon Supreme Court, the courts began to separate land use decisions into different types: legislative, quasi-judicial, and administrative/ministerial actions, which are detailed in subsequent sections.

Comprehensive Plan

A Comprehensive Plan sets out a City's goals and direction for land use and public facility planning and must cover a period of 20 years. Medford's Comprehensive Plan includes provisions which implement each Statewide Planning Goal in a way that applies to the specific area covered by the Comprehensive Plan, i.e., lands within the Medford Urban Growth Boundary (UGB). It contains data, inventories, analysis of the data, conclusions based on the analysis, policies and findings related to the conclusions, and goals. The policy provisions prevail when implementing or interpreting the plan. Other textual provisions may help to interpret the policies, but may not be given greater weight than the policies. The Comprehensive Plan also contains the General Land Use Plan (GLUP) Map and defines the City's Urban Growth Boundary and the land use designations within that boundary.

City Land Use/Development Code

In addition to a comprehensive plan, cities have a land use/development code that implements the land use policies and map contained in the comprehensive plan. The code contains specific zoning designations, consistent with the land use designations

on the land use plan map. In addition, the code sets out procedures for making land use decisions, and the criteria and standards that the decision-maker must apply for each type of decision.

The Medford Land Development Code is found in Chapter 10 of the Municipal Code and contains a description of each of the City's land use zones and what types of uses are allowed. In each zone, there may be uses that are permitted outright, without the need for a public process (for example, public hearings). Other uses may be allowed only if certain standards and criteria are found to be met. These often involve a public hearing. These may include such requirements as the proposed development not causing unreasonable street congestion or preventing access to adjoining property. The code also contains development standards that govern how a particular use may be developed. These standards include such things as setbacks, lot coverage, parking, and landscaping.

The procedural provisions in the code designate a decision-maker for each type of decision and whether or not there is an opportunity for an appeal to another local decision-maker. The Code sets out the procedures that must be applied during the initial local-level decision and the procedures that must be adhered to on appeal.

Types of Land Use Decisions

In general, there are four types of land use decisions. For each, there is a different procedure to follow.

Ministerial Decisions

A ministerial decision is one that requires and authorizes no discretion of the decision-maker, because the applicable standards are clear and highly prescriptive. Examples of this type of decision include issuance of building permits and sign permits. For this type of decision, the state requires no notice or public hearing requirements.

Administrative Decisions

An administrative decision is one that requires little discretion. City staff (typically the Planning Director) usually makes the initial decision, and, if appealed, a hearing will be conducted before a commission or City Council. An example of an administrative decision is the approval of a proposal to develop multifamily housing on 3 gross acres or less.

Quasi-Judicial Decisions

Quasi-judicial decisions involve specific parcels of property and require a public hearing at which a hearings body (the Planning Commission, for example) takes evidence and hears arguments. Common examples of quasi-judicial decisions include consideration of subdivisions, zone changes, or applications for a conditional use permit. A quasi-judicial decision requires a hearing prior to the initial decision. In most cases, the hearing is conducted by the Planning Commission which renders a final decision. The City Council is the hearings body for an appeal of this decision. In Medford, some quasi-judicial decisions are made by the City Council, such as General Land Use Plan Map amendments.

Legislative Decisions

Legislative decisions are those which result in policy-making by the City Council. They affect the community as a whole rather than a small area or a few individuals. These decisions give the decision making body a great deal of discretion. The most common example of a legislative decision is the adoption or amendment of a land use regulation or large area plan. For these decisions, there are fewer objective criteria for the Council to consider. Rather, the Council makes determinations about the legislative decision's consistency with other land development code provisions (if the decision is regarding a code provision), the Comprehensive Plan and Statewide Planning Goals.

Notice is generally required through publication according to Medford Municipal Code section 10.124 and ORS 222.120 and 197.610. Because these decisions result in the adoption of policy or legislation, the final decision is made by the City Council; appeals are made directly to the state Land Use Board of Appeals (LUBA).



Councilmembers serve without compensation. Expenses incurred in the performance of their official duties may be reimbursed with Finance Committee approval according to the City Charter and MMC 2.030. The City Manager's Office assists you with the preparation of necessary paperwork for reimbursements and any travel and training arrangements as per Administration Regulation 301 Travel and Training Expenses.

Local Meetings and Functions: Councilmembers officially designated as liaison or representative to an organization who attend local meetings and functions may be reimbursed for meals served during the meeting or function as well as mileage from the Councilmember's home or normal place of work. Authorized meetings and functions include the following: meetings of Boards, Commissions, or other groups if the Councilmember is appointed to represent the City Council at the meeting; and any other event/trip approved for reimbursement by the Finance Committee.

Out-of-Town Travel: Council Officers approve all trainings and travel for all budgeted conferences and events. Non-budgeted travel must be approved in advance by the City Council for reallocation of funds. Councilmembers will be reimbursed upon return as per Administrative Regulation 301 below.

Office Supplies, Postage and Services: Office supplies shall be requisitioned through the City if needed by a Councilmember for the performance of duties. Items to be mailed shall be delivered to the City Manager's Office for posting. City staff will perform any necessary services. No reimbursements will be allowed for these items.

Other Expenses: Other legitimate expenses incurred in the performance of official duties may be allowed at the discretion of the Finance Committee if the Committee determines it is in the best interest of the City.



Title: Travel and Training Expenses

Purpose:

The purpose of this administrative regulation is to establish procedures for the proper expenditure of public funds, the authorization and approval of travel and related expenses and the required documentation and audit trail for all expenses. This regulation applies to all individuals traveling on behalf of the City such as employees, City Councilors and Boards and Commission members. Employees should refer to collective bargaining agreements, if applicable and Administrative Regulation 214 Travel Training Time for additional mandatory and voluntary travel information. In the event of conflict, contradiction or inconsistency between this policy, and your collective bargaining agreement (CBA), the terms and provisions of the CBA will prevail. Each department is responsible to ensure that travel expenses are in accordance with these regulations. **A waiver of any provision of this administrative regulation due to unusual or extenuating circumstances must be authorized by the City Manager.**

Travel Arrangements:

Travel arrangements, including hotel reservations, airline reservations, car rentals and conference registrations may be made through the Purchasing Department, or by the departments using a purchasing card (P-card). If using a P-card, departments must utilize available City-arranged price agreements, such as state contracts and Enterprise. Flights that are less expensive through a site other than the state contract will be accepted, provided they are paid for on a City P-card. An individual may accumulate airline and/or hotel travel points consistent with the IRS regulations.

Travel Expenses:

Travel out of town may be by personal vehicle, city vehicle, or public modes of transportation. Public air carrier is strongly encouraged for trips over 300 miles one way, when the use of a vehicle will result in substantial loss of City time, or when the

public carrier is less expensive to the City than the use of a personal vehicle. If driving is selected for trips over 300 miles one way, the cost comparison of a round trip ticket must be obtained a minimum of two (2) weeks before the travel takes place and submitted and approved with the Travel Authorization and Disbursement form. The reimbursement is limited to the lesser cost of travel.

Air Travel. The City shall pay actual cost for an individual's City business travel. All individuals shall utilize coach when traveling commercial airline. Reservations, when possible, should be made at least 14 or more days in advance to take advantage of any and all available discounts. Increased fees related to late booking may be disallowed unless documented with a sound business reason. Individuals may, at their own expense, pay the difference to upgrade their airline accommodations or alter their flight itinerary for personal business.

City Vehicles. If the employee drives a City vehicle to the training, a fuel credit card will be provided.

Rental Cars. The City will pay for economy or compact rental vehicles through our price agreement with Enterprise because the Damage Waiver is included and when it is found to be an economical and efficient means of transportation. Groups of three or more, or individuals carrying large amounts of equipment, may rent a larger vehicle. All vehicles must be returned with the same or greater amount of fuel as when the car was rented.

Taxi Cabs, Shuttles, Other Car Services. An individual may utilize a taxi cab, airport shuttle, or other form of car service (Uber, Lyft, etc.) for airport transportation to and from their home or hotel or other documented work purpose. The City will not cover such expenditures for personal entertainment while on City travel.

Personal Vehicle. The City may authorize individuals to use their own vehicles for City travel when it is in the benefit of the City. The city does not insure personal vehicles for any physical damage and also will not participate in any claims involving personal vehicles used for City travel. When an individual uses their personal vehicle for City travel, the City shall reimburse the individual for mileage up to, but not more than, the Federal per mile reimbursement rate. An employee who uses their personal vehicle instead of a City provided vehicle when one is available will only be reimbursed for fuel and only with receipts. No P-card should be used in either of

these cases. Total allowable mileage shall be calculated from Medford City Hall. Travel routes must be the most direct and normally traveled route, or by the least expensive itinerary. The routes and mileage will be determined using either MapQuest or Google Maps. If individuals travel by an indirect route or more expensive route for personal reasons, they are responsible for any additional costs.

Mileage reimbursement for required travel not associated with an out-of-town conference, training or meeting must be submitted on a Mileage Expense Report. The deadline for submitting the report is the end of the month following the calendar quarter. Any individual who fails to meet these deadlines will not be reimbursed unless an extension is granted by the City Manager, or designee.

If the employee is provided a monthly car allowance, he/she is only eligible for reimbursement when their travel destination is at least 75 miles from City Hall.

Meal Expenses:

A daily per diem is provided for meals and incidentals. The per diem is set by the General Services Administration (GSA) by city and county in which the travel and hotel stay take place. The following website lists the per diem rates by city, <http://www.gsa.gov/portal/content/104877>.

To determine the county in which travel takes place, please visit the following website, <http://www.naco.org/Counties/Pages/CitySearch.aspx>. If the city or county in which the individual is traveling to is not listed, the base per diem default rate will apply. Meals provided by the hotel, training or conference will not be deducted from the per diem rates. If the City pays an additional charge for any meal options on the scheduled, but not provided by the conference, the per diem will be reduced accordingly.

The per diem will be 75% of the daily rate for the first and last day of travel for a multi-day conference and for conferences. Meetings or training which do not require an overnight stay and require 14 hours or more between departure and arrival will be reimbursed a full day per diem.

Lodging Expenses:

Lodging expenses are paid by the City at actual cost up to the specific GSA daily

maximum allowable rate in effect at the time of travel for the specific area or locality. The GSA rate may be waived for individuals sharing a room, if approved in advance by the Chief Financial Officer.

Conference/Training Official Hotel. If an individual attends a conference or training, the City shall cover, within reason, all actual lodging costs at the official hotel where the conference or training is being held if the rate exceeds the GSA lodging per diem allowance for the city. The individual must book the cheapest available room or personally pay the difference between the room they book and the room with the lowest rate. This exception serves to save the City additional costs such as a rental car or other transportation fees.

Airbnb, Vacation Rental by Owner (VRBO), or Similar. A group or individual attending a conference or training may elect to stay in a rental residential-type unit as those available through Airbnb, VRBO or similar. If an individual selects this mode of lodging, the cost, in total including all fees, must be less than the GSA lodging per diem allowance for the city unless documentation regarding an overall savings to the City (reduced transportation costs to conference or other) similar to a higher cost for the Conference Hotel is documented. Cancellation policies may be too restrictive and should be considered in the overall cost.

Conference Fees and Tuition:

All course cost; tuition, materials, professional membership fees or conference fees shall be paid by the City for mandatory trainings as defined in the Travel Time Administrative Regulation 214.

Incidental Expenses:

Authorized incidental expenses include but are not limited to parking at the airport, airline baggage fees for one checked personal bag and any checked items deemed necessary by the department head to fulfill any training responsibilities.

The City will never reimburse the cost of alcoholic beverages.

Generally, entertainment expenses are not paid for by the City, with the exception of entertainment included in the basic registration fee related to a conference.

Entertainment expenses that the city shall not pay for include, but are not limited to, the following:

- Movies, including in-room
- Sporting Events
- Golf (Including Conference-related Tournaments)
- Spa Services
- Conference Organized Tours that are unrelated to the individual's duties.

Other Information:

Travel Authorization and Disbursement must be approved by the appropriate Department Director. The supervising Deputy City Manager shall approve all Department Director's Travel Authorization and Disbursements and the City Manager shall approve the Deputy City Managers, Human Resource Director and Chief of Police's Travel Authorization and Disbursement.

Lodging after the conference will not be reimbursed, without prior written approval from the appropriate Department Director and the Chief Financial Officer.

Combining Personal Travel with City Business Travel

The City's policy for business travel does allow for combining personal travel with business travel. Employees may use vacation time before or after the conference, if approved by the Department Director. Personal time is deemed to end at the start of the conference and to begin when the employee would have otherwise returned to work. If an individual combines personal travel with City business travel, the City will pay only the actual costs associated with City business. Any additional cost shall be incurred by the individual and must be covered on the individual's personal accounts.

When an individual combines personal travel with City business travel and airfare is required, the City shall pay no more than the cost of round trip coach airfare for the days that the City business would have required. Any additional cost due to an extended personal stay shall be borne by the individual. A cost comparison must be obtained a minimum of two weeks before the travel takes place and submitted with the Travel Authorization and Disbursement.

Spouses or guests may attend conferences at their own expense. Any additional

costs, such as spouse's meals and additional room costs must be paid by the individual. City staff time cannot be utilized to arrange spouse or guest travel, conferences and/or activities.

Important Deadlines:

Only employees may submit for per diem and mileage prior to the date of travel on the Travel Authorization and Disbursement form. Checks will be issued within one (1) week of departure date, unless provided with a written request for early issuance. Properly approved requests must be submitted to the Finance Department two (2) weeks prior to travel.

All other per diem requests and reimbursements must be submitted on a Travel Authorization and Disbursement form and submitted to the Finance Department within 10 days upon arriving to Medford. Any individual who fails to meet these deadlines will not be reimbursed unless an extension is granted by the City Manager, or his designee.

Travel expenses charged to the employee's P-card will be processed through the normal reporting and approval cycle for P-card use, as detailed in Administrative Regulation 402.

Approved:



Brian Sjothun, City Manager

06/13/2019
Date

Legal Reference(s):
Administrative Regulation 214
Administrative Regulation 402



Technology Use

iPad/Technology Policy

City Councilmembers are provided with technology, which is to be used for City of Medford business purposes only. Technology is defined as including cell phones, iPads, laptops, desktop computers and other devices. Technology equipment, its component parts, all hardware and software and its stored electronic memory are the sole property of the City and are subject to Oregon Record Retention rules. Therefore, no expectation whatsoever of privacy as to any communication generated, received by, sent by or stored in the technology device(s) should be assumed.

The City maintains an electronic mail (email) system and internet access. This is provided to assist in the conduct of the business of the City and should be used for City-related work purposes only. Use of email and/or Internet access is prohibited for personal, recreational, or non-City business. Users of the City's email system have no expectation of privacy regarding email or internet use. The City utilizes an automated archive system that captures all emails and may be accessed by the City as needed.

Councilmembers are expected to sign a Technology Use Agreement.



Community Engagement

The City's communication efforts provides official city information and communications to the public across multiple platforms including print publications, broadcast video, web communications and social media. The Communications & Marketing Manager liaisons between the media and city staff, and coordinates with local, regional, and state authorities to disseminate news and information to the public.

The manager also supports the City through advertising and marketing initiatives, public service announcements, promotional materials, and interactive storytelling.

Communication Channels

- City website
- Social Media: Facebook, Twitter, Instagram
- E-Newsletters
- Utility Bill Insert
- News Releases
- Weekly Council Update
- Cable Public Access Channels

Council Related Community Engagement Initiatives

Operation CARE

Multiple times a year City of Medford officials, with assistance from community leaders, conduct Operation Community Awareness Rejuvenation Effort (C.A.R.E.) in a Medford neighborhood. The purpose of this operation is to hear questions and concerns from residents regarding livability and other issues affecting their neighborhood.

Citizen Academy

The City of Medford Citizen Academy is a free, eight-session interactive course designed to provide residents with an in-depth look into municipal government, as well as information about the services and programs provided by the City.

Social Media Guidance for Elected Officials

1. Purpose. The City maintains an official City website and other official social media, and has adopted a policy related to such media, which does not apply to Elected Officials. This section outlines the roles, responsibilities, and best practice recommendations for use of social media by the City's elected officials ("Councilmembers"), when they may be using personal or professional social media to communicate in their official capacity, including as a means to disseminate information or provide for engagement with constituents. It is primarily each Councilmember's responsibility to understand the law when using social media as a public elected official and to ensure compliance.

2. Definitions:

Social media: Any digital platform that allows the user to create and share information, ideas or questions with other users or audiences. Social media channels include but are not necessarily limited to Facebook, Twitter, Instagram, Pinterest, and others.

Post: Any content generated or shared on social media presences. Posts can include, but are not limited to, messages, links, images, maps, videos and emoticons.

Content: The text, messages, maps, links, photos, images, or videos used in a post.

Comment: A post made in response to a post or another comment.

Political Advocacy: Only that political advocacy restricted by ORS 260.432 - supporting or opposing ballot measures, candidates, recalls, political committees, or petitions. Supporting or opposing political issues which do not fall into any of these categories is not restricted by the statute or this policy.

3. Public Records Act Compliance. Any content maintained in social media format that is related to City business, including communication between an individual Councilmember and constituents or the general public, or a site's listing of "friends" or "followers," may be considered a public record subject to disclosure under the Oregon Public Records Act. The Councilmember is responsible for maintaining records for any required retention periods.

4. Open Meetings Act Compliance. Communication between Councilmembers via social media, as with email, may constitute a “meeting” under the Open Public Meetings Act if it involves the discussion of public business subject to open meetings laws. For this reason, Councilmembers are discouraged from commenting or posting on each other’s social media pages.

In addition, receiving or making comments regarding quasi-judicial matters via social media may violate rules for quasi-judicial proceedings. Councilors are encouraged to exercise caution in inviting any comments related to land use proceedings that may include a quasi-judicial matter, and to refrain from making comments on any pending application. Councilmembers should also be cognizant that any statements they make on an issue that involves or eventually involves a quasi-judicial proceeding could be raised as evidence of bias, prejudice, or personal interest that the Councilmember would then be obligated to address in response to a challenge on that basis.

5. Link to City Website. A social media site used by a Councilmember to communicate with a constituent on City business should include a link back to the City’s official website for detailed information if relevant to the specific discussion.

6. Political Advocacy and Campaigning. Councilmembers who use social media for political advocacy may not request public employees on the job or in an official capacity to engage in political advocacy, including by editing, reviewing, or creating political advocacy content.

7. Blocking. If a Councilmember uses social media in their official capacity for communication with constituents, they may be creating a limited public forum subject to First Amendment speech protections. Therefore, Councilmembers shall not deny access to social media to any individual based in whole or in part on content or viewpoint, which includes disagreement with or opposition to the Councilmember or their viewpoints.

8. Notice. Any Councilmember who uses social media for City business should include a notice on his or her platform stating the following:
This page expresses the personal opinions of the Councilor. It is not the official page for the City of Medford and does not represent the position of the City of Medford.
All content submitted by members of the public may be subject to public disclosure to third parties under Oregon Public Records law.

Comments should relate to the post and issue being discussed. Once comments are posted, the Elected Official reserves the right to determine which submissions are unacceptable for its page and delete them, including those that contain profane or obscene language, personal attacks of any kind, or language or content that targets, disparages, or discriminates against individuals or groups based on race, ethnicity, religion, color, gender, age, sexual orientation, mental or physical disability, gender identity, national origin, or other protected status under applicable law. Further, the Elected Official reserves the right to delete comments, when possible, that: (i) are spam or include links to other sites; (ii) are clearly off topic; (iii) advocate illegal activity; (iv) promote particular services, products or political organizations; (v) infringe on copyrights or trademarks; (vi) are comments in support of or opposition to current political campaigns, candidates, or ballot measures; or (vii) contain solicitations of commerce or charitable or other contributions, except for official City-sponsored activities.

News Media Resources

Council adopted Rules of Procedure provide the protocol for providing outside statements. Options for responding to requests include:

1. Council can appoint a spokesperson based on topic. The Council should discuss what areas of expertise they would like to be contacted for comments and staff can direct the media to those members wishing to comment. This would allow for multiple members to be available to the media for comments.
2. Council can choose to allow media to contact them directly on any/all subjects and that those members wishing to comment can do so according to the Rules of Procedure.
3. Contact the City Manager and Communications and Marketing Manager if details or a status update on the topic is needed.
4. The Communications and Marketing Manager can assist with responding to questions and coordinate interviews, if necessary.

Media Interview Tips:

- Anticipate the questions. Decide how you will answer ahead of time.
- What are the key messages you want to come across? If possible, limit yourself to one to three key points. Decide on these ahead of time. Again, the City Manager and Communications and Marketing Manager can help you develop key messages.
- Know your key messages and how to articulate them. It is your mission to work your key messages into one or more of your responses. Don't wait for the "right" question. Try to use a key message in response to every question.
- Capsulate your answer in a clear and concise statement.
- Do not use city jargon. Be conversational. Envision that you are having a conversation with someone who doesn't know how the city and government works.
- Sometimes the best answer is "I'm not going to answer that." It is absolutely acceptable not to answer if you feel the question is inappropriate or if the interview is taking a direction that makes you uncomfortable.
- If you don't know the answer to a question, don't fake it. Tell the reporter you will have to get back to him or her.

Responding to Potential Litigation

All requests from the media for a Council response to pending litigation should be referred to the City Attorney's office. These requests are handled on a case-by-case basis and the response is tailored to the particular litigation matter.



Oregon Ethics Laws

Government Ethics

Public office is a public trust. This concept is enforced through state law in provisions that prohibit public officials from using their positions to enrich themselves, their families or businesses with which they or their close relatives are associated.

For more comprehensive information, please refer to the [Guide for Public Officials](#) or contact the [Oregon Government Ethics Commission](#).

Actual and Potential Conflicts of Interest

Public officials may face situations in which their actions may, or will, result in pecuniary benefit for themselves, their relatives, or businesses with which they or their relatives are associated. In such cases, the state ethics law describes the proper response. The response depends upon whether the conflict is an **actual** conflict or a **potential** conflict. Keep in mind, however, that under no circumstances may an official use their office for the purpose of benefiting the official, a relative or an associated business.

Actual Conflict of Interest

An actual conflict of interest exists when a public official is faced with acting, deciding or recommending an action, and the effect of that action certainly **would** be to the private pecuniary benefit or detriment of the official, the official's relative, or any business with which the person or a relative of the person is associated.

Example: A Councilmember owns one of two well-digging companies in the City. The Council is voting upon whether to adopt a proposed ordinance that would impose licensing fees on well-digging companies. His vote will certainly have the effect of a financial detriment or benefit upon his company.

Example: A systems operation official approves an employment agreement with a technical support company that employs her son. The approval would be to the pecuniary benefit of a business with which her relative is associated.

ORS 244.040(6) also states “No person shall attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member”.

Example: The member of the Planning Commission is prohibited from appearing before that same Planning Commission to represent a client for a fee, but a business partner of the Planning Commission member could represent the same client for a fee.

Potential Conflict of Interest

A potential conflict of interest exists when a public official is faced with acting, deciding or recommending an action, and the effect of that action **could** be to the private pecuniary benefit or detriment of the official, the official's relative, or any business with which the person or a relative of the person is associated.

Example: If the public official as an independent contractor performs services for a business that comes before the public body upon which the official sits, a potential conflict exists. The decisions of the public body could result in private pecuniary benefit to the official.

Conflict of Interest Exceptions

Actions affecting an entire class do not create a conflict of interest. In other words, no conflict exists if the public official's action would affect other members of a large class of people in the same way it would affect the public official.

For example, if the City Council was voting to adopt a City-wide tax cut for retail businesses, Councilmembers who owned retail businesses would not have a conflict because of the exception.

However, if the Council was voting to adopt a tax cut for software companies, and a Councilmember owned one of only three software companies in the City, the Councilmember would have an actual conflict of interest for which the “class” exemption would not apply. In this case, three software companies would not be considered a large enough class to gain the exemption.

Other exceptions include the following:

1. Membership in a particular class required by law as a prerequisite to holding office does not give rise to a conflict of interest. For example, a commission

which recommends fees for the use of certain chemicals requires that one of its positions be filled by a representative of a company which uses such substances. That person is not faced with conflict when deliberating upon the amount of a fee.

2. No conflict exists when the pecuniary benefit or detriment arises out of unpaid membership in or membership on the board of directors of a nonprofit corporation which is tax-exempt under section 501(c) of the Internal Revenue Code.

Methods of Handling Actual or Potential Conflicts of Interest

In every case in which a public official is met with an actual or potential conflict of interest, the official must disclose the conflict. Elected or appointed officials serving on a board or commission must publicly announce the nature of the conflict. The conflict must be recorded in the official minutes of the public body. A public official need only announce a conflict of interest once during the course of the particular meeting, even though discussion or action may be interrupted.

When faced with an **actual conflict** of interest, a public official must, after disclosing the conflict, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue. The public official should make certain that the minutes reflect that the public official did not participate in the discussion or vote.

Rule of Necessity: If the official's vote is necessary to meet a requirement of minimum number of votes to take official action, then the official is eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

CAVEAT: If voting under the "rule of necessity" would violate the code of ethics (for example, where a vote would constitute "using" the office to obtain financial gain or avoid financial detriment), then the public official may not vote.

When faced with a **potential conflict** of interest, a public official must announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. Following the declaration of the conflict, the official may discuss and vote on the matter.

CAVEAT: A public official may not take official action after declaring a potential conflict of interest if such action would violate any provision of the code of ethics.



ADAAA	Americans with Disabilities Act Amendments Act – federal statute prohibiting discrimination against those with physical/mental disabilities.
ADEA	Age Discrimination in Employment Act
ADEI	Access, Diversity, Equity and Inclusion
ADT	Average Daily Trips
ADU	Accessory Dwelling Unit
AES	Advanced Encryption Standard – asymmetric block cipher used to encrypt sensitive data
AFSCME	American Federation of State, County and Municipal Employees
AIC	Agenda Item Commentary
AICP	American Institute of Certified Planners
AMS	Alternative Mobility Standards
AP	Access Point – a device used to connect wireless devices to a wired network
APA	American Planning Association
APCR	Agreement Processing Control Record
APWA	American Public Works Association
AGOL	ArcGIS Online – A cloud based service for making and using maps and other map related services and products
AGS	ArcGIS for Server – a server software for creating and managing spatial (GIS) web-based services
ArcCatalog	Desktop software product for organizing and managing spatial (GIS) information
ArcGIS	A suite of desktop and server computer software for making and using spatial (GIS) information
ARPA	American Rescue Plan Act
BCD	Building Codes Division, State Department of Consumer and Business Services.
B&C	Boards & Commissions
BPAC	Bicycle & Pedestrian Advisory Committee
BSIA	Building Site Improvement Agreement
BID	Business Improvement District
BLM	Bureau of Land Management (federal agency)
BMP	Best Management Practices
BOLI	Bureau of Labor & Industries – Oregon state agency responsible for enforcing employment laws.
CAD	Computer Aided Dispatch – used for dispatching emergency services.
CC&Rs	Conditions, Covenants and Restrictions

CDBG	Community Development Block Grant – federal grant received annually
CFEC	Climate Friendly Equitable Communities
CFR	Code of Federal Regulations
CIP	Capital Improvement Project
CMAQ	Congestion Mitigation/Air Quality (federal funding program)
CMO	City Manager’s Office
CMS	Corrections Management System – software management system that is linked to the computer aided dispatch system.
COE	Corp. of Engineers
COM	Council Officers Meeting or City of Medford
COOP	Continuity of Operations
CPAW	Community Planning Assistance for Wildfire
CPSC	Consumer Product Safety Commission
CRM	Customer Relationship Management
CRS	Community Rating System
CUED	Council for Urban Economic Development
CUP	Conditional Use Permit; permit granting permission to conduct a use that is not normally allowed in a zone, granted only with specified conditions
CWA	Clean Water Act (federal act)
CWPP	Community Wildfire Protection Plan
DCA	Development Code Amendment
DDA	Development and Disposition Agreement
DEQ	Oregon Department of Environmental Quality – state agency responsible for enforcing Environmental laws.
DIA	Deferred Improvement Agreement
DLCD	Department of Land Conservation and Development (state agency)
DSL (ODSL)	Division of State Lands (state agency)
DU/AC	Dwelling Unit/Acre, as in SFR/10 (Single Family Residential/10 per acre)
EA	Environmental Assessment
ECC	Emergency Coordination Center
EEOC	Equal Employment Opportunity Commission – federal agency responsible for enforcing civil rights in employment matters.
EFU	Exclusive Farm Use (land use designation)
EGDB	Enterprise Geodatabase – a RDBMS-based format for storing spatial (GIS) datasets
EIA	Environmental Impact Analysis
EID	Economic Improvement District
EIS	Environmental Impact Statement

EMS	Emergency Medical Service
EPA	Environmental Protection Agency (federal agency)
ERB	Employment Relations Board (State of Oregon)
ERP	Enterprise Resource Planning
ESA	Endangered Species Act (federal legislation)
EZ	Enterprise Zone
FC	Feature Class – a format for storing GIS dataset layers in a geodatabase
FEMA	Federal Emergency Management Agency (federal agency)
FE	Finance Enterprise software systems
FGDB	File Geodatabase – a file-based format for storing spatial (GIS) datasets
FHWA	Federal Highway Administration (federal agency)
FLSA	Fair Labor Standards Act
FLSD	Fire and Life Safety Division (Fire Prevention Bureau)
FMLA/OFMLA	Family Medical Leave Act (Federal)/Oregon Family Medical Leave Act – regulating employee leave for medical/family purposes.
FTE	Full-time equivalent – City of Medford has approx. 450 FTE staff
FTP	File Transfer Protocol – used to facilitate data exchange between internal and external entities.
FY	Fiscal year
GDB	Geodatabase – a database for storing spatial information
GIS	Geographical Information Systems. An organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store,
GPS	Geographic (graphic) Position System. An electronic device that allows for computer tracking of movement on a computer monitor and/or pinpoint location.
GLUP	General Land Use Plan
HOF	Housing Opportunity Fund
HSAP	Homeless System Action Plan
HUD	Housing and Urban Development (federal agency)
IAFF	International Association of Fire Fighters
I&I	Inflow and Infiltration (into sewer system)
ICC	International Code Council
ICMA	International City/County Management Association
IGA	Inter-governmental Agreement
IOF	Immediate Opportunity Fund is a joint program between ODOT and OEDD (Oregon Economic Dev Dept) that “accesses” or “uses” state gas tax funds in an effort to capture new industrial business to Oregon and keep what we have from leaving for other states.
ISO	International Organization for Standardization
IT	Innovation & Technology Department

JJTC	Jackson/Josephine Transportation Committee (provides technical support to Rogue Valley Area Commission for Transportation).
LCDC	Land Conservation and Development Commission
LDC	Land Development Code
LDP	Land Development Partition; division of a parcel into three (3) or less lots.
LDS	Land Development Subdivision; division of a parcel into four (4) or more lots
LEAH	Law Enforcement Agency Heads
LEDS	Law Enforcement Data System
LHPC	Landmarks & Historic Preservation Commission
LID	Local Improvement District
LOC	League of Oregon Cities
LOS	Level of Service
LTE/4G LTE	Long Term Evolution – current high speed data technology used by cellular providers
LUBA	Land Use Board of Appeals
LX Database	Land parcel management database used to correlate property address to assessor plat
MADGE	Medford Area Drug Gang Enforcement Team
MAV	Mobile Audio Video recording system used by Medford Police
MDC	Mobile Data Computer
MFR	Multi-family Residential
MFR	Medford Fire-Rescue
MID	Medford Irrigation District
MLDC	Medford Land Development Code – Chapter 10 of the Code of Medford.
MMC	Medford Municipal Code
MPO	Metropolitan Planning Organization – an organization designated by the Governor to coordinate transportation planning in an urbanized area of the state.
MPOA	Medford Police Officers Association
MPO TAC	Metropolitan Planning Organization Technical Advisory Committee
MPRD	Medford Parks & Recreation Department
MURA	Medford Urban Renewal Agency
MWC	Medford Water Commission
MUPTE	Multi-Unit Property Tax Exemption
NCIC	National Crime Information Center
NeoGov	City's recruitment and selection web based software
NEPA	National Environmental Policy Act (federal legislation which Environmental Impact Study must comply with)
NFPA	National Fire Protection Association
NFIP	National Flood Insurance Program

NHD	National Historic Districts
NLC	National League of Cities
NPDES	National Pollutant Discharge Elimination System (federal regulations for discharge to natural water bodies)
NRHP	National Register of Historic Places
NSP	Neighborhood Stabilization Program
NTHP	National Trust for Historic Preservation
OAR	Oregon Administrative Rules: State agency rules adopted after public comment to implement the provisions of the Oregon Revised Statutes
OBOA	Oregon Building Officials Association
ODF&W	Oregon Department of Fish and Wildlife
ODOT	Oregon Department of Transportation
ODSL (DSL)	Oregon Division of State Lands
OECD	Oregon Economic and Community Development Department
OEESC	Oregon Energy Efficiency Specialty Code (International Energy Conservation Code as amended by Oregon)
OESC	Oregon Electrical Specialty Code (National Electrical Code as amended by Oregon)
OMSC	Oregon Mechanical Specialty Code (International Mechanical Code as amended by Oregon)
OPSC	Oregon Plumbing Specialty Code (Uniform Plumbing Code as amended by Oregon)
ORPA	Oregon Recreation and Park Association – state professional organization providing continuing education support for Parks and Recreation profession.
ORS	Oregon Revised Statutes: Oregon laws codified by legislative counsel.
ORSC	Oregon Residential Specialty Code (International Residential Code as amended by Oregon)
OSHA	Occupational Safety Health Administration (federal agency)
OSP	Oregon State Police
OSSC	Oregon Structural Specialty Code (International Building Code as amended by Oregon)
OTC	Oregon Transportation Commission
OTET	Oregon Teamsters Employers Trust
OTIB	Oregon Transportation Infrastructure Bank
OWIN	Oregon Wireless Interoperability Network
PAC	Police Advisory Committee
PC	Planning Commission
PEO	Professional Engineers of Oregon
PERS	Public Employee Retirement System
PLSO	Professional Land Surveyors of Oregon
PMS	Pavement Management System (database for pavement maintenance)
PMT	Particulate Matter per Thousand

PRMS/RMS	Police Records Management System – software program for management of police records.
PSAP	Public Safety Answering Point (911 dispatch)
PSCC	Public Safety Coordinating Council
PUD	Planned Unit Development; a plan for development of an area one (1) acre or larger that
QRT	Quick Response Team (Public Works Operations Division)
RFP	Request for pricing; Request for proposal
Rogue X	Rogue Credit Union Community Complex
R-O-W, R/W	Right-of-way
RPS	Regional Problem Solving
RRC	Regional Rate Committee
RTP	Regional Transportation Plan
RVACT	Rogue Valley Area Commission for Transportation (advisory to Oregon Transportation Commission)
RVCOG	Rogue Valley Council of Governments- voluntary association of 16 local governments and five other jurisdictions in southwestern Oregon's Jackson and Josephine Counties
RVMPO	Rogue Valley Metropolitan Planning Organization – federal law for transportation planning.
RVS	Rogue Valley Sewer Services
RVTD	Rogue Valley Transportation District is the local transit provider
RVPSA	Rogue Valley Public Service Academy
RVTV	Rogue Valley Television – provides management of public access and government televised programming
RWRF	Regional Water Reclamation Facility (sewage treatment plant)
SDC	System Development Charge (impact fee for new development)
SDMP	Storm Drain Master Plan
SE Plan	Southeast Medford Development Plan
SFR	Single Family Residential
SHPO	(Oregon) State Historic Preservation Office
SHP	Shapefile – format for storing GIS data layers
SIC	Standard Industrial Classification
SOCOAAA	Southern Oregon Council on American Asian Affairs
SORED	Southern Oregon Regional Economic Development, Inc.
SPAC	Site Plan and Architectural Commission – meets twice a month to review procedures, purposes, and objectives as outlined in the Medford Code.
SSMP	Sanitary Sewer Master Plan
STIP	State Transportation Improvement Plan
SV	Street Vacation
SWAT	Special Weapons and Tactics

TAG	Technical Advisory Group
TAZ	Transportation Analysis Zone
TDM	Transportation Demand Management is the use of a variety of techniques to modify transportation demand to reduce automobile usage and/or VMT. TDM can also
TF	Transportation Facility
TI	Tax Increment
TIA	Transportation Impact Analysis is a study of the potential impacts of proposed development on the transportation system, including the street system. It also
TIF	Tax Increment Financing
TIP	Transportation Improvement Program
TIS	Traffic Impact Study (See TIA) A TIS is similar to a TIA except that the area encompassed by the study is larger.
TLBI	The Last Bond Issue
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development is development influenced by and oriented to transit service. It is characterized by a pedestrian-friendly environment, including a mix of
TPR	Transportation Planning Rule is a State administrative rule (OAR 660-12) designed to implement Statewide Planning Goal 12 (Transportation).
TRADCO	Transportation Advisory Committee is a committee consisting of community and business members that meets to discuss transportation issues in the Rogue Valley
TSP	Transportation System Plan
UAB	Unified Appeals Board
UGB	Urban Growth Boundary
WRD	Water Reclamation Division (division in Public Works Department)
ZC	Zone Change



I acknowledge that I have received a copy of the Council Handbook containing the adopted Council Rules of Procedures, Oregon Government Ethics Law, and rules for Harassment, Non-Discrimination and Violence Free Workplace.

I agree to read it thoroughly and seek clarification from the City Attorney's Office should I have any questions.

Signature: _____

Date: _____

Printed name: _____