

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12- 35

A RESOLUTION AMENDING THE COUNCIL GROUNDRULES AND SUPERSEDING RESOLUTION NO. 10-60

WHEREAS, the current Council Groundrules include a provision requiring an annual review of the groundrules during a July or August workshop; and

WHEREAS, the City Council discussed the groundrules at its August 14, 2012 study session; and

WHEREAS, council members desire flexibility in the timing of their annual review of the groundrules; and

WHEREAS, council members want to clarify the rules around political involvement.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Page 1 of the Council Groundrules is hereby amended as follows (language to be deleted is ~~struck through~~):

“The City Council will review the Groundrules annually ~~during a July or August Workshop meeting~~. The Groundrules may also be reviewed and revised as needed at any other time in the year when a specific issue or issues are identified requiring action prior to the established review period.”

SECTION 2: Page 11 of the Council Groundrules is hereby amended as follows (language to be added is underlined):

“Understand proper political involvement. Council members, as private citizens, may support political candidates or issues but such activities must be done separate from their role as a council member. Use of the title ‘Mayor of Tigard’ or ‘City Councilor, City of Tigard’ in support or opposition of political candidates or issues shall be for identification purposes only.”

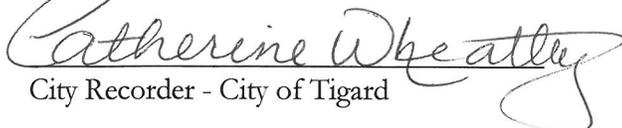
SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 28th day of August 2012.



Mayor - City of Tigard

ATTEST:


Catherine Wheatley
City Recorder - City of Tigard

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TIGARD CITY COUNCIL GROUNDRULES ¹⁰⁻¹⁰⁰

The Tigard City Council Groundrules are a compilation of role definitions and meeting process provisions set forth in the City Charter and Tigard Municipal Code as well as general practice and communication principles. The Council Code of Conduct provides the framework to guide Council in their actions as they serve in publicly elected office. City Council is the policy making body for the City of Tigard.

The City Council will review the Groundrules annually. ~~during a July or August Workshop Meeting.~~ The Groundrules may also be reviewed and revised as needed at any other time in the year when a specific issue or issues are identified requiring action prior to the established review period.

The City Charter, Article IV, Section 13, contains regulations that govern Council meetings. Charter provisions may only be changed by a vote of the people. Code provisions may be changed by Council Ordinance. Groundrules may be changed by Council Resolution.

CHARTER AND MUNICIPAL CODE PROVISIONS

Council/Mayor Roles

- The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Presiding Officer may move, second, debate and vote and shall not be deprived of any of the rights and privileges of a Councilor. The Presiding Officer shall sign all ordinances, resolutions, contracts and other documents, except where authority to sign certain contracts and other documents has been delegated to the City Manager and all documents shall be attested to by the City Recorder. The Mayor shall appoint the committees provided by the Rules of Council.
- In all other actions, decisions and other matters relating to the conduct of business of the City, the Mayor or President shall have no more or less authority than any other Council member. For the purposes of this written procedure any reference to the Council (unless otherwise specifically noted to the contrary) will include the Mayor, Council President and Council members.

Conduct of City Meetings

- Council will meet at least once a month. Regularly scheduled meetings shall be on the second, third, and fourth Tuesdays of each month.
- The Council meetings on the second and fourth Tuesdays are "Business" meetings; the Council meetings on the third Tuesday of the month are "Workshop" meetings unless otherwise designated by the City Council. Members of the City Council may set other meetings of the full Council such as joint meetings with other agencies or general community meetings.

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- Unless specifically noted otherwise, the meetings of Council shall begin at 6:30 p.m. at the established place of meeting. On the second and fourth Tuesdays, the meetings will begin with a Study Session following by the Business meeting. On the third Tuesday, the Workshop meeting will begin at 6:30 p.m.
- Roll Call/Voting Order: The roll shall be called in alphabetical order by last name. At each succeeding meeting at which a roll call vote is taken, the council person who voted last during the previous meeting, shall vote first and the Council person who voted first during the preceding meeting shall vote second and so on in a rotating fashion. It is the intent that the voting order remain fixed for each meeting and that a different Council person shall vote last during each separate meeting for the duration of the meeting.
- Charter Section 19 provides that *the concurrence of a majority of the members of the Council present and voting, when a quorum of the Council is present, at a Council meeting shall be necessary to decide any question before the Council.* A Council member who abstains or passes shall be considered present for determining whether a quorum exists, but shall not be counted as voting. Therefore, abstentions and 'passes' shall not be counted in the total vote and only votes in favor of or against a measure shall be counted in determining whether a measure receives a majority.

City Council Compensation

Section 2.44.020 of the Tigard Municipal Code provides for compensation for attendance at Council meetings and meetings for an intergovernmental board, committee or agency. The amount of the compensation for Council members may be reviewed and set annually by resolution of the City Council as part of the budget cycle. As part of the annual review, Council may elect to enter into an agreement with the Mayor or one City Councilor to assume additional responsibilities for additional compensation. The additional duties shall relate to representing the city on regional, state or federal issues and committees or task forces. The responsibilities and compensation shall be set by agreement between the Mayor or Councilor and the Council members.

GENERAL GROUNDRULE PROVISIONS

The next portion of this document is divided into three major sections identifying groundrules for the Meeting Process, Communication and Code of Conduct that:

- Establish the meeting process;
- Guide individual interaction and communication among Councilors and with the community;
- Set out the Code of Conduct providing the framework to guide Council members in their actions and conduct; and

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- Govern proceedings of the City Council, Local Contract Review Board and City Center Development Agency where they do not conflict with statutory provisions.

MEETING PROCESS

All Council meetings are open to the public with the exception of Executive Sessions, which are called under certain circumstances and topics are limited to those defined in ORS 192.660.

- The Chair or other members if the Chair fails to remember may call for a Point of Order at or around 9 p.m. to review remaining agenda items. The Council may reset or reschedule items, which it feels may not be reached prior to the regular time of adjournment.
- The Council's goal is to adjourn prior to 9:30 p.m. unless extended by majority consent of Council members present. If not continued by majority consent, the meeting shall be adjourned to the next scheduled meeting or the meeting shall be continued to another regular or special meeting at another date and time.
- Regularly scheduled business meetings and workshops are generally televised.

Definitions - Meeting Types, Study Sessions and Executive Sessions:

BUSINESS MEETINGS

- Regular meetings where Council may deliberate toward a final decision on an agenda item including consideration of ordinances, resolutions & conducting public hearings.
- Business meetings are generally scheduled to begin at 7:30 p.m. with a study session preceding the Business Meeting at 6:30 p.m. Study Sessions are a workshop-type of meeting (see Study Session definition below).
- The "Citizen Communication" portion of the agenda is a regular feature on the Council Business meetings. This item will be placed near the beginning of the Council Agenda to give citizens a chance to introduce a topic to the City Council. Citizen Communications are limited to two minutes in length and must be directed to topics that are not on the Council Agenda for that meeting.
- At the conclusion of the Citizen Communication period, either the Mayor, a Council member or staff member will comment what, if any, follow-up action will be taken to respond to each issue. At the beginning of Citizen Communication at the next business meeting, staff will update the Council and community on the review of the issue(s), the action taken to address the issue, and a statement of what additional action is planned. Council may decide to refer an issue to staff and/or schedule the topic for a later Council meeting.

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WORKSHOP MEETINGS

- Regular meetings where Council reviews and discusses agenda topics. Council may not make final decisions during the meeting. Public testimony is not scheduled unless the Mayor or Council so choose.
- Appropriate topics for Workshop meetings include:
 - ~ Introduce a Topic: Staff will bring up new items to determine whether Council wants to entertain further discussion and whether to schedule the topic as an item on a future agenda.
 - ~ Educational Meetings: Council will review research information presented by staff, consultants, or task forces - usually as a process check; i.e., is the issue on the right "track"?
 - ~ Meet with individuals from City boards and committees or other jurisdictions to discuss items of common interest (examples: Tigard Planning Commission, Lake Oswego City Council, the Tigard-Tualatin School District).
 - ~ Administrative Updates: Items such as calendar information, scheduling preferences, process checks.

STUDY SESSIONS

- Study Sessions usually precede or follow a Business Meeting or Workshop Meeting that are open to the public but not regularly televised.
- Conducted in a workshop-type setting to provide Council an opportunity to review the Business Meeting Agenda and ask for clarification on issues or processes. Information is also shared on time-sensitive items.
- Any Council member may call for a Point of Order to stop the discussion because he or she proposes that it would be more appropriate to discuss the matter during a Council Business Meeting.
- If a Point of Order is raised, the City Council will discuss the Point of Order to determine whether the discussion should continue or be held during a Council Business Meeting. The decision on whether to continue the discussion or not shall be determined by the consensus of the Council members present.
- If Council discusses a Council Agenda Topic in a Study Session prior to that Council meeting, either the Presiding Officer or City Manager will briefly state at the introduction of the Agenda Topic, the fact that Council discussed the topic in the Study Session and mention the key points of the discussion.

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EXECUTIVE SESSIONS

- Executive Sessions are held by the Council with appropriate staff or advisors in attendance. The purpose is to review certain matters in a setting closed to the public. Executive Sessions may be held during a regular, special or emergency meeting after the Presiding Officer has identified the ORS authorization for holding the Executive Session. Permitted topics are identified in ORS 192.660 and include employment of a public officer, deliberations with the persons designated by the Council to carry on labor negotiations, deliberations with persons designated to negotiate real property transactions, and to consult with legal counsel regarding current litigation or litigation likely to be filed.

Council Agendas and Packet Information

- The City Manager will schedule agenda items with the objective of maintaining balanced agendas and allowing time to discuss topics within the meeting's time allotment.
- The City Manager will schedule items allowing time for staff research and agenda cycle deadlines.
- The agenda cycle calls for submittal of items ten days in advance of a Council meeting. With the exception of Executive Sessions, add-on topics and handouts during the meeting are to be minimized.
- Councilors will prepare in advance of public meetings by reviewing packet material and requesting further necessary information in advance of the meeting. Staff will prepare in advance of public meetings by presenting issues fully in packets and providing additional information requested by Council.
- Council is supportive of the role of staff in offering professional recommendations. Staff is aware of Council's right to make final decisions after considering the staff recommendation, public input, the record and Council deliberation on the matter.
- Council members should attempt to give at least 24 hours' notice by advising the City Manager and the City Recorder of a request to remove a Consent Agenda item for separate discussion. The City Recorder shall notify all Councilors of such requests prior to the start of the Business Meeting.

Councilors Scheduling Agenda Items

- Councilors are encouraged to suggest agenda topics at the bench or to contact the City Manager about scheduling an item on the Tentative Agenda.
- Add-on agenda items should be brought up at the start of the meeting and are generally considered only if continuing to a later agenda is not practical.

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- Requests for legislative action of Council may be initiated by an individual Council member during a Council meeting. The City Manager will respond to the request consistent with resources and priorities, or refer the question of scheduling to Council as a whole.

Councilors Use of Electronic Communications Devices During Council Meetings

Definitions for this section:

Electronic Communications means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Electronic Communications Devices means lap-top computers, blackberries, cell-phones, notebooks, or other similar devices capable of transmitting or receiving messages electronically.

- Councilors shall not send or receive electronic communications concerning any matter pending before the Council during a Council meeting.
- Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before the Council during a Council meeting.
- Councilors shall not access the internet but may access Council packet information concerning any matter pending before the Council during a Council meeting.
- 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.

COMMUNICATION

General

- Recognize that you are seen as a Councilor at all times, no matter how you see yourself at any particular time. Thus, Councilors are always treated by Administration as Council members.
- Whenever you put anything in writing, assume that everyone in the city is looking over your shoulder.
- Do not respond to communications directed to the full Council. The City Manager or Mayor will respond.
- If a communication is directed to an individual Councilor, you may choose to respond as an individual or refer to the City Manager.
- Information received by a Council Member that affects the Council should be shared with the whole Council. The City Manager is to decide on "gray areas," but too much information is preferable to too little.

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- Budget cuts or increases are policy decisions. Budgets will not be cut “piece meal” or “across the board,” but rather should be made in service or program areas, giving staff full opportunity to provide data clearly defining the anticipated impact of the action.
- It is the policy of the Council that if Councilors are contacted regarding labor relations during labor negotiations or conflict resolution proceedings, then Councilors have no comment.
- Councilors and the City Manager agree to report and discuss any contact that might affect labor relations with the entire Council in Executive Session.

Communications Between City Councilors, City Manager and Staff

- Councilors are encouraged to maintain open communications with the City Manager, both as a group and individually.
- Councilors are encouraged to take issues to the City Manager first, giving as much information as possible to ensure a thorough response.
- In the absence of the City Manager, Councilors are encouraged to contact the Assistant City Manager. In the absence of both the City Manager and the Assistant City Manager, Councilors are encouraged to contact the Department Head, realizing that the Department Head will discuss any such inquiries with the City Manager.
- City Manager shares information equally with Councilors.
- Councilors are encouraged to avoid substantive contact with staff below the Department Head to avoid possible disruption of work, confusion on priorities, and limited scope of responses. In no case, should Councilors direct the work of staff without prior approval of the Department Head or City Manager.
- Our goal is mutual confidence and respect with staff. Compliment staff members when they make good presentations. Be friendly. Attend staff occasions when you can.

Communications Among Councilors

- No surprises.
- Be courteous.
- Honestly share concerns and opinions with each other.
- Don't blurt it out on TV.
- If you hold back in a meeting, follow up later with fellow Councilors or the City Manager.

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- Bounce ideas off each other by phone or informal conversation, always mindful not to form a quorum.
- Spend some casual time together.

Communications with Community/General Public

- Councilors and the General Public are reminded of the Agenda cycle and cut-off dates. Administrative staff is available to explain how public issues are addressed and how citizen input may be accomplished.
- Communication that represents the City's position on an issue should come through City Hall and be provided by the City Manager. Direct submittals or inquiries to the Council or individual Councilors should be referred to the City Manager, or Councilors may ask the City Manager to look into an issue.
- Official press releases are encouraged, both to assure accurate reporting and to advise Council and Staff of the official position communicated to the press. Press releases are issued through the City Manager's Office.

Communications with Potential Mayor/Council Candidates

- Council members will host an event to share with potential Mayor or City Council candidates what is involved in serving on the City Council.
- Council members may support a person running for office but they must declare this as an individual endorsement and not in their official capacity as a Council member.

Communication Between Partners and Allies

- In general, let the Mayor speak for the City.
- Keep long-term relationships in mind. Don't over-focus on the issue at hand.
- Take issues to the City Manager first.

Council Communication with Other Public Agencies

As the Portland metropolitan region continues to grow, it is critical that Tigard be at the "table" with other jurisdictions in the region and clearly represent the City's official position.

- Council members will be clear about representing the City or personal interests. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state whether the statement reflects personal opinion or is the official position of the City.

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- If a Council member is representing the City, that Council member will consistently support and advocate the City's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official City position.
- Council members will inform the Council of their involvement in an outside organization if that organization is or they believe may become involved in any issue within the City's jurisdiction. If an individual Council member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on an issue, the Council member must clearly communicate the organization upon whose behalf they are speaking. The Council member must withdraw from voting as a Council member upon any actions that have bearing upon the conflicting issue.
- Council members serving on committees or boards as the City representative with outside entities or agencies will communicate with other Council members on issues pertinent to the City.

Communication with City Boards, Committees and Commissions

The independent advice of City Boards, Committees and Commissions is critical to the public decision-making process. For that reason, Council members will refrain from using their positions to influence unduly the deliberation or outcomes of board proceedings.

Members of boards, commissions, and committees are referred to generally as "board" in this section of the Groundrules.

- Council members will not contact a board member to lobby on behalf of an individual, business or developer. Council members may contact the board member in order to clarify a position taken by the Board. Council members may respond to inquiries from board members. Communications should be for information only.
- Council members may attend any board meeting, which is open to any member of the public. However, Council members should be sensitive to the way their participation could be viewed as unfairly affecting the process.
- Board members do not report to individual Council members. Individual councilors have no authority to remove board members.

Communication as the Council Liaison with City Boards

- Council liaison assignments are determined by consensus of City Council. The goal is to have assignments evenly divided between Council members. Should two or more Council members seek appointment to a position the longest serving Council member will have first choice.

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- Council Liaisons are to periodically attend Board meetings, listen to the Board discussion, set context for the Board regarding Council decisions/goals/policies and City priorities, answer questions and carry concerns and information back to the full Council.
- Council Liaisons are not to direct the business or decision-making process of the Board and do not vote of matters before the Board.
- Council Liaisons do not initiate, propose or advocate for their personal position on a matter before the Board.
- Council Liaisons are to protect the independence of the Boards.
- Council Liaisons at times may advocate Council actions on behalf of their assigned Board. Great care must be taken to avoid the appearance of unfairness, conflict of interest or circumstances where such possibilities may exist (e.g., Planning Commission quasi-judicial matters).

CODE OF CONDUCT

Scope

This Code of Conduct is designed to provide a framework to guide Council members in their actions. The Code of Conduct operates as a supplement to the existing statutes governing conduct including the ethics law of the State of Oregon.

This Code of Conduct applies to Council members as they also serve as the Local Contract Review Board and the City Center Development Agency.

Conduct of Council Members

This section describes the manner in which Council members will treat one another, the public, and city staff.

Council Conduct with One Another During Meetings

- Practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democratic governance. This does not allow, however, Council members to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.
- Avoid personal comments that are intended to, or could reasonably be construed to, offend other members or citizens. If a Council member is offended by the conduct or remarks of

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another member, the offended member is encouraged to address the matter early with the offending member.

Council Conduct Outside of Public Meetings

- Continue respectful behavior in private. The same level of respect and consideration of differing points of view deemed appropriate for public discussion should be maintained in private conversations.
- Be aware of the public nature of written notes, calendars, voicemail messages, and e-mail. All written or recorded materials including notes, voicemail, text messages and e-mail created as part of one's official capacity will be treated as potentially "public" communication.
- Even private conversations can have a public presence. Council members should be aware that they are the focus of the public's attention. Even casual conversation about city business, other public officials or staff may draw attention and be repeated.
- Understand proper political involvement. Council members, as private citizens, may support political candidates or issues but such activities must be done separate from their role as a Council member. Use of the title "Mayor of Tigard" or "City Councilor, City of Tigard" in support or opposition of political candidates or issues shall be for identification purposes only.

Council Conduct with the Public

- Be welcoming to speakers and treat them with respect. For many citizens, speaking in front of the Council is a new and difficult experience. Council members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful and professional.
- Make no promises on behalf of the Council in unofficial settings. Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit promises of specific action or promises that City staff will take a specific action are to be avoided.

Council Conduct with City Staff

- Respect the professional duties of City Staff. Council members should refrain from disrupting staff from the conduct of their jobs; participating in administrative functions including directing staff assignments; attending staff meetings unless requested by staff; and impairing the ability of staff to implement policy decisions.

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Individual Conduct of Council Members

The individual attitudes, words, and actions of Council members should demonstrate, support, and reflect the qualities and characteristics of Tigard as “A Place to Call Home.”

DO THE RIGHT THING

In doing the right thing, I will:

- Be honest with fellow Council members, the public and others.
- Credit others’ contributions to moving our community’s interests forward.
- Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.
- Reject gifts, services or other special considerations.
- Excuse myself from participating in decisions when my immediate family’s financial interests or mine may be affected by the Council’s action.
- Protect confidential information concerning litigation, personnel, property, or other affairs of the City.
- Use public resources, such as staff time, equipment, supplies or facilities, only for City-related business.

GET IT DONE

In getting it done, I will:

- Review materials provided in advance of the meeting.
- Make every effort to attend meetings.
- Be prepared to make difficult decisions when necessary.
- Contribute to a strong organization that exemplifies transparency.
- Make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City.

RESPECT AND CARE

In respecting and caring, I will:

- Promote meaningful public involvement in decision-making processes.
- Treat Council members, board members, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- Share substantive information that is relevant to a matter under consideration from sources outside the public decision-making process with my fellow Council members and staff.
- Respect the distinction between the role of citizens, Council and staff.
- Conduct myself in a courteous and respectful manner at all times.
- Encourage participation of all persons and groups.

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Censure and Violations

To assure the public confidence in the integrity of the City of Tigard, Council members are held to a high standard of conduct. For this reason, Council members believe the Code of Conduct is as important to the public process as other rules and procedures. It is also recognized that, there may be times when action is required to correct and/or prevent behavior that violates the Code of Conduct.

A Council member may be censured by the other Council members 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 Groundrules.

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

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

Implementation

Council members will receive a copy of the Council Groundrules and will affirm in writing that they have received the rules including the code of conduct, understand the provisions, and pledge to conduct themselves by the groundrules. A periodic review of the groundrules will be conducted to ensure that they are an effective and useful tool.

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COUNCIL GROUNDRULES CERTIFICATION

As a member of the Tigard City Council, I affirm that:

- ✓ I have read and understand the Council Groundrules including the Code of Conduct and its application to my role and responsibilities while serving on the City Council.
- ✓ I pledge to conduct myself by the Council Groundrules/Code of Conduct.
- ✓ I understand that I may be officially censured by the City Council if my conduct falls below these standards.

Signature: _____

Position: _____

Signed this _____ day of _____, 20____