



CITY OF ASHLAND

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# Council Training



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# SECTION 1

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## City Manager Welcome

Vision & Values

Welcome Letter

Organizational Chart



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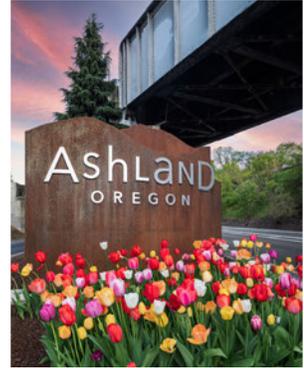
## CITY OF ASHLAND COUNCIL TRAINING

# Vision

Ashland is a resilient, sustainable community that maintains the distinctive quality of place for which it is known.

We will continue to be a unique and caring city that stresses environmental conservation, fosters artistic expression and is open to new ideas and innovation.

We will plan and direct our efforts to fulfill this Vision for the long term with a constant view toward being an open, welcoming community for all with a positive economic future.



# Values

## Community

**COMMUNITY AFFORDABILITY**, including available housing and childcare

**BELONGING** through mutual respect and openness, inclusion and equity

**QUALITY OF LIFE** that underpins the City's economic vibrancy

**ENVIRONMENTAL RESILIENCE**, including addressing climate change and ecosystem conservation

**REGIONAL COOPERATION**, including in support for public safety and homelessness

## Organization

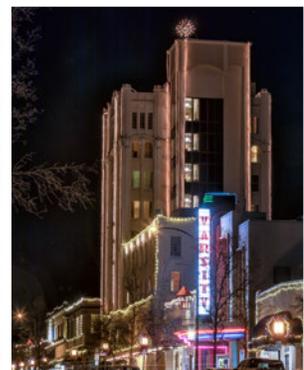
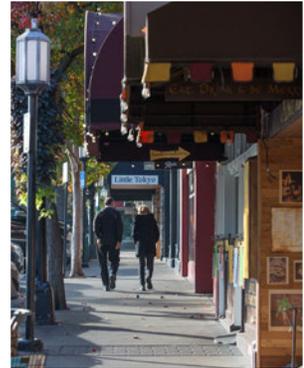
**RESPECT** for the citizens we serve, for each other and for the work we do

**EXCELLENCE** in governance and City services

**SUSTAINABILITY** through creativity, affordability and rightsized service delivery

**PUBLIC SAFETY**, including emergency preparedness for climate change risk

**QUALITY INFRASTRUCTURE AND FACILITIES** through timely maintenance and community investment



Photos Bob Palermini



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# Welcome!

Welcome Mayor and Council,

I am looking forward to an exciting and productive relationship with you. City staff have put this reference binder together for you with information and tools that may help you in your role as elected officials for the City of Ashland. For some of you this will be a simple refresher, for others perhaps new information. Please let me know if you have suggestions for additional items you'd like us to provide for your binder going forward.

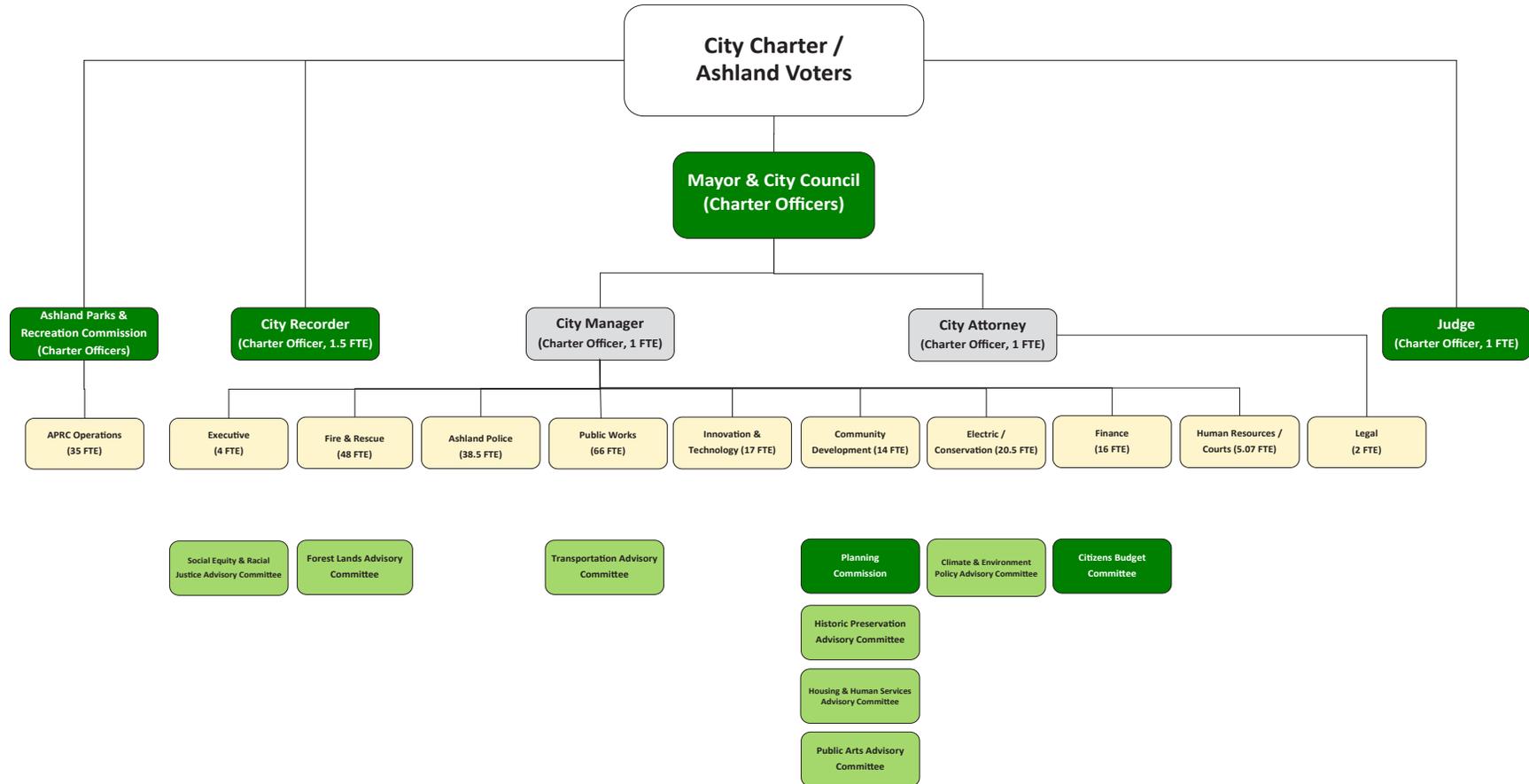
From your efforts, I believe the City will be in a strong position to collaboratively adopt a strategic plan, 2025- 2027 Biennial Budget for continued excellence in City services and continue to move forward in a positive direction. Thank you for your service to the City of Ashland and support for the work of City staff.

Sincerely,

Sabrina Cotta  
City Manager



# Organizational Chart





## SECTION 2

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### City Council Introduction

Overview of City Council

City Council Roster



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# Overview of City Council

Ashland has a Council-Manager form of government, with much of the City's business evolving through citizen committees, which enhance public support and political stability.

The City Council is elected to serve as the governing body for Ashland's 21,620 residents (PSU Population Research Center certified population for 2022). The Mayor, who presides at the Council meetings, is elected at-large for a four-year term. Six (6) Council members are elected at-large for four-year staggered terms.

Council Regular Business meetings are open to the public and are held on the first and third Tuesdays of each month at 6 p.m. in the Council Chambers, 1175 E Main St.

Council Study Sessions are open to the public and are held the day before each regular meeting (typically the first and third Monday) at 5:30 p.m. in the Council Chambers, 1175 E Main St.

The public can watch meetings live at:

- Ashland Home Net Channel 9
- Charter Spectrum 180
- RVTV Prime
- Live streaming at [rvtv.sou.edu](http://rvtv.sou.edu) via the RVTV (Rogue Valley Television) Prime button
- RVTV app, available for Android and Apple users

Meetings are replayed at:

- Ashland Home Net Channel 9
- Charter Spectrum
- RVTV 180 and 181 via video archives

Complete information at [ashlandoregon.gov/Council](http://ashlandoregon.gov/Council), including agendas, minutes, current meeting packets, recently adopted resolutions and ordinances, and archived videos of council meetings.



# City Council Roster

Role	Name	Email	Phone
Mayor	Tonya Graham	tonya.graham@council.ashlandoregon.gov	
Councilor	Bob Kaplan	bob.kaplan@council.ashlandoregon.gov	
Councilor	Doug Knauer	doug.knauer@council.ashlandoregon.gov	
Councilor	Dylan Bloom	dylan.bloom@council.ashlandoregon.gov	
Councilor	Eric Hansen	eric.hansen@council.ashlandoregon.gov	
Councilor	Gina DuQuenne	gina.duquenne@council.ashlandoregon.gov	
Councilor	Jeff Dahle	jeff.dahle@council.ashlandoregon.gov	
City Recorder	Alissa Kolodzinski	alissa.kolodzinski@ashlandoregon.gov	
City Manager	Sabrina Cotta	sabrina.cotta@ashlandoregon.gov	541.552.2103
City Deputy Manager	Jordan Rooklyn	jordan.rooklyn@ashlandoregon.gov	541.891.4324
City Attorney	Doug McGeary	doug.mcgeary@ashlandoregon.gov	541.552.2091
City Manager Office	Main Office Line		541.488.6002
City Legal Department	Main Office Line		541.488.5350
Email all as a group:		council@ashlandoregon.gov	

The mailing address for City Hall is 20 E Main St, Ashland, OR 97520

The City URL is [ashlandoregon.gov](http://ashlandoregon.gov)





## SECTION 3

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### City of Ashland Charter



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# History Charter

The original Charter granted to the City of Ashland in 1874 was later supplanted by a Charter given to the City by the Oregon State Legislature in 1889. In 1898, a new Charter was approved by the voters of the City, which remained in effect until 1970, although amended numerous times over the years.

In 1906, a State constitutional amendment giving cities Home Rule meant that Charters could be adopted and amended without action by the State Legislature. A vote of the Ashland citizens to amend the City Charter or to adopt a new one can effect changes in the structure and powers of Ashland city government. For this purpose, the Council may call a special election on the Charter by initiative petition.

In May of 1970, as a result of study and recommendation by the Ashland League of Women Voters and the Charter Revision Committee, an amended Ashland City Charter was again approved by the voters of the City. As adopted, it retained all of the desirable provisions of the original Charter, while omitting obsolete provisions, thereby simplifying this important document and making it a more workable one.

Five amendments were enacted by the voters in May of 1972, dealing primarily with administrative refinements. These amendments have been incorporated into the following compilation of the City Charter.

Amendments to the City Charter were enacted by the voters in November of 2006, requiring voter approval before any real property transfer tax could be enacted. These amendments have been incorporated into the following compilation of the City Charter.

Amendments to the City Charter were enacted by the voters on May 19, 2020. These amendments created the new position of City Manager and transferred executive officer duties from the Mayor to the new position of City Manager. These amendments abolished the position of City Administrator. These amendments have been incorporated into the following compilation of the City Charter.

Notes: 1) City incorporated 10-13-1874; and 2) First Ordinance passed 11-14-1874 - Setting boundaries of the City of Ashland.



# Articles

## ARTICLE I Name and Boundaries

**Section 1. Title of Enactment** This enactment shall be referred to as the Ashland Charter of 1970.

**Section 2. Name** The municipality of Ashland, Jackson County, Oregon, shall continue to be a municipal corporation with the name “City of Ashland.”

**Section 3. Boundaries** The City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters, by the Council or by any other agency with legal power to modify them. The Recorder shall keep in her/his office at City Hall at least two (2) copies of this Charter, in each of which he/she shall maintain an accurate and up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder.

## ARTICLE II Powers

**Section 1. Powers of the City** The City shall have all powers which the constitutions, statutes and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

**Section 2. Construction of the Charter** In this Charter, the mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers, which the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City shall have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to State laws and to the municipal Home Rule provisions of the State Constitution.

**Section 3. Provisions for Amendment and Revision** The Council shall have the power to call a special election upon a resolution passed by the Council for the purpose of amending the Charter or enacting a new Charter, or whenever petitioned to do so by the electors of said City, under any initiative or referendum ordinance of the City of Ashland, or the laws of the State of Oregon.



# Articles

## ARTICLE III Elected Officers

**Section 1. Elected Officers** The elective officers of the City shall be: a Mayor, six (6) Council Members, five (5) Park Commissioners and a Municipal Judge.

**Section 2. Qualifications** All elective officers except the Municipal Judge shall be residents and qualified voters in the City. (Charter amendment 5-23-78.)

**Section 3. Salaries** Any change in the amount of the present compensation received by elective officers, except for the Municipal Judge, shall be submitted to the vote of the people. The salary of the Municipal Judge will initially be the same as for the year 1978-79 and thereafter to be adjusted in the same percentage as the average salary adjustment of the other supervisory employees and department heads of the City of Ashland.

**Section 4. Vacancies** An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony; other offense pertaining to his/her office, or unlawful destruction of public records; resignation; recall from office or ceasing to possess the qualifications for the office; or, in the case of the Mayor or Council Member, upon his/her absence from the City for thirty (30) days without the consent of the Council or upon his/her absence from meetings of the Council for sixty (60) days without like consent, and subsequent declaration of the vacancy by a two-thirds affirmative vote of the Council. A vacant elective office in the City shall be filled within sixty (60) days by the Council electing some qualified person to fill such vacancy. The appointee's term of office shall begin immediately upon appointment and shall continue until a successor, elected at the next biennial election, takes office for the unexpired term. The Council shall have the power, by a two-thirds affirmative vote, to expel any member of the Council for disorderly conduct in Council or inattention to duties. No Council member shall be expelled without notice and a hearing by the Council.

**Section 5. Term** The term of all elective officers shall begin the first day of January following their election.

**Section 6. Interest in City Contracts** During the term of office, no elective officer shall violate any provision of the State of Oregon Code of Ethics as contained in ORS Chapter 244. (Amended by vote 11-8-94.)



# Articles

## ARTICLE IV Mayor

**Section 1. Term** The Mayor in office at the time this Charter is adopted shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At the biennial general election held in 1972, and every fourth year thereafter, a Mayor shall be elected for a term of four (4) years.

**Section 2. Powers and Duties** The Mayor is the political head of the city government. He or she shall exercise careful supervision over the general affairs of the City and, with the City Council, over the City Manager and City Attorney, as well as other appointive officers as may be created by this Charter. Appointive officers are those city employees who are hired by and report directly to the Mayor and Council. The Mayor shall make a report to Council and the citizens of Ashland on the state of the city at or as soon as practical following the first Council meeting of each calendar year. (Charter amendment 05-19-2020.)

**Section 3. Vote** The Mayor shall not be entitled to vote on any ordinance or measure before the Council except in the case of a tie vote, in which case he/she shall have the power to vote, and must vote either in the affirmative or in the negative. The Mayor shall, within five (5) days after the passage of any ordinance, either approve or veto the same, and no ordinance shall go into effect until approved by the Mayor or passed by the Council over his/her veto.

The Mayor shall, in case he/she vetoes any ordinance or resolution, file such veto with the City Recorder, together with reasons for his/her disapproval, which veto and message of disapproval shall be read at the next meeting of the Council, and such ordinance or resolution be put upon its passage again; and, if two-thirds of the Council members shall vote in the affirmative, it shall become law without the Mayor's approval, but not otherwise. In passing all resolutions and ordinances, the ayes and nays shall be called and a permanent record made of the vote thereon.



# Articles

## ARTICLE V Council Members

**Section 1. Terms** The Council members in office at the time this Charter is adopted shall continue in office, each until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter is adopted. At each biennial general election after this Charter takes effect, three (3) Council members shall be elected, each for a term of four (4) years.

## ARTICLE VI Recorder

**Section 1. Term** The Recorder in office at the time this Charter takes effect shall continue in office until the end of his/her term of office as fixed by the Charter of the City in effect at the time this Charter provision is adopted. Upon the expiration of the Recorder's term, if any, the City Manager is granted the authority to appoint a Recorder to fulfill the powers and duties of this position. The selection of the Recorder will be based on their education, experience, and other qualifications ensuring that the individual is suitably qualified for the position of City Recorder as defined by ordinance.

## ARTICLE VI-A Judge

**Section 1. Term** At the biennial general election held in 1978, and every fourth year thereafter, a Judge shall be elected for a term of four (4) years. (Charter amendment 5-23-78.)



# Articles

## ARTICLE VII Elections

**Section 1. Regular Elections** Regular City elections shall be held at the same times and places as biennial general State elections, in accordance with applicable State election laws.

**Section 2. Notice of Regular Elections** The Recorder, pursuant to directions from the Council, shall give at least ten (10) days notice of each regular City election by posting notice thereof at a conspicuous place in the City Hall, and by publication in a newspaper of wide and general circulation published in the City of Ashland. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

**Section 3. Special Elections** The Council shall provide the time, manner and means for holding any special election, which shall comply with applicable State laws. The Recorder shall give at least ten (10) days notice of each special election in the manner provided by the action of the Council ordering the election.

**Section 4. Regulation of Elections** Except as this Charter provides otherwise and as the Council provides otherwise by ordinances relating to elections, the general laws of the State shall apply to the conduct of all City Elections, recounts of the returns therefrom, and contests thereof.

**Section 5. Nominations** A qualified elector may be nominated for an elective City office to be filled at the election. The nomination must be by a petition that specifies the office sought and must be in a form prescribed by the Council. The petition shall be signed by not fewer than twenty-five (25) electors, and with the candidate's written acceptance of such nomination. No elector may sign more than one petition for each office to be filled at the election. If he/she does so, his/her signature will be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature of the person appended thereto was made in his/her presence, and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the date of signing, the signer's place or residence, identified by its street and number or other sufficient designation. The Recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the Recorder shall notify the candidate and the person who filed the petition within twelve (12) days after the filing. If the petition is insufficient in any other particular, the Recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. All nomination papers comprising a petition shall be assembled and filed in final form as one instrument with the Recorder not less than twelve (12) days before the date that the Recorder must file the same with the County Clerk. (Charter Amendment 11-2-82.)



# Articles

## ARTICLE VII Elections, Continued...

**Section 6. Canvass of Returns** In all elections held in conjunction with State and County elections, the State laws governing the filing of returns by the County Clerk shall apply. In each special City election, the returns therefrom shall be filed with the Recorder on or before noon the day following; and, not later than five (5) days after the election, the Council shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the Council. The entry shall state the total number of votes cast at the election, the votes cast for each person, and for and against each proposition, the name of each person elected to office, the office to which he/she has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the Recorder shall make and sign a Certificate of Election of each person elected and deliver the Certificate to him/her within one (1) day after the canvass. A Certificate so made and delivered shall be “prima facie” evidence of the truth of the statements contained in it.

**Section 7. Tie Votes** In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in the manner prescribed by the Council.

**Section 8. Oath of Office** Before entering upon the duties of his/her office, each officer shall take an oath or shall affirm that he/she will support the constitutions and laws of the United States, the State of Oregon, and the Charter and laws of the City of Ashland, and that he/she will faithfully perform the duties of his/her office.



# Articles

## ARTICLE VIII Council

**Section 1. Where Powers Vested** Except as this Charter provides otherwise, all powers of the City shall be vested in the Council and the Mayor.

**Section 2. Composition** The Council shall be composed of six (6) Council members elected in the City at large. During each biennial general election as set forth in Article V, voters shall cast their ballot for up to three Council members. In the event of a biennial election in which an unexpired Council seat is on the ballot due to a vacancy, per Article III, Section 4 of this Charter, three Council members shall be elected in addition to the number of unexpired Council seats. The three highest vote recipients shall fill the three four-year biennial terms, and the next highest vote recipient or recipients shall fill the remaining unexpired Council seat or seats. Citizens may cast ballots for up to as many Council seats as are up for election. If a voter selects on their ballot more Council members than there are open Council positions, that voter's selections for Council members shall be disregarded.

**Section 3. Council Meeting and Rules** The Council shall hold a regular meeting in the City at least once each month at a time and place which it designates. Other meetings may be called as the Council deems necessary, with notice given the Mayor and Council members and the public as provided by ordinance. Minutes of any such special meeting shall be presented at the next regular Council meeting. The Council shall adopt rules for its proceedings.

**Section 4. Quorum** The Mayor and not less than three (3) of the Council members, or four (4) of the Council members, shall constitute a quorum for conducting Council business.

**Section 5. Journal** The Council shall cause a record of its proceedings to be kept. Upon request of the Mayor or any of the Council members, the ayes and nays upon any question before it shall be taken and entered in the record.

**Section 6. Proceedings to be Public** No action by the Council shall have legal effect unless the motion for the action and the vote thereon take place at proceedings open to the public.

**Section 7. Mayor's Function at Council Meetings** The Mayor shall preside over the deliberations of the Council. He/she shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.



# Articles

## ARTICLE VIII Council, Continued...

**Section 8. Chair of the Council** At the first regular meeting of the Council in January of each year, the Council shall by ballot elect a Chair of the Council from its membership to serve for one (1) year. He/she shall, during all times when the Mayor is absent or unable to attend to his/her duties or act in any matter, have and exercise the powers and perform the duties of the Mayor, except that he/she shall retain his/her Council member's right to vote. If, at any meeting of the Council, both Mayor and Chair are absent, the Council members present shall elect one of their number as Chair Pro Tem, who shall preside at that meeting.

**Section 9. Vote Required** Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

## ARTICLE VIII-A City Manager (Added May 19, 2021)

**Section 1.** The office of City Manager is established as the chief executive and administrative head of city government. The City Manager is responsible to the Mayor and Council for the proper administration of all city business. The City Manager will assist the Mayor and Council in the development of city policies and will carry out policies established by ordinances and resolutions.

**Section 2.** A majority of the Mayor and Councilors must appoint and may remove the City Manager. The appointment must be made without regard to political considerations and solely based on education and experience with local government management.

**Section 3.** The City Manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the Council. The Council must fill the office by appointment as soon as practicable after the vacancy occurs.



# Articles

## ARTICLE VIII-A City Manager, Continued

**Section 4.** The City Manager must:

1. Attend all Council meetings unless excused by the Mayor or Council;
2. Make reports and recommendations to the Mayor and Council about the needs of the City;
3. Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
4. Appoint, supervise and remove all non-elected department heads and other city employees, except as follows:
  - (a) The Ashland Parks and Recreation Commission shall have responsibility for appointing, supervising, and removing its employees, subject to state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies.
  - (b) Employees who report directly to the Mayor and City Council shall be appointed, supervised, and removed by the Mayor and City Council and shall be termed appointive officers.
5. Organize city departments and administrative structure, except that the City Manager shall have no responsibility for the supervision of the City Attorney's Office or the Ashland Parks and Recreation Commission;
6. Prepare and administer the annual city budget;
7. Administer city utilities and property;
8. Encourage and support regional and intergovernmental cooperation;
9. Promote cooperation among the City Council, staff and citizens in developing city policies and building a sense of community;
10. Perform other duties as directed by the City Council; and
11. Delegate duties to any city employee, in a manner consistent with the provisions of the City Charter, the Ashland Municipal Code, state and federal employment law, and collective bargaining agreements.

**Section 5.** The City Manager has no authority over the Mayor or City Council or any other elected official, or the City Attorney.

**Section 6.** The City Manager and other employees designated by the City Council may sit at Council meetings but have no vote. The City Manager may take part in all City Council discussions.

**Section 7.** When the City Manager is temporarily disabled from acting as manager or when the office becomes vacant, the City Council must appoint a manager pro tem. The manager pro tem has the authority and duties of City Manager, except that a manager pro tem may appoint or remove department heads only with City Council approval.



# Articles

## ARTICLE VIII-A City Manager, Continued

**Section 8.** Neither the Mayor nor a member of the City Council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager in the making of any appointment or removal of any officer or employee or in the purchase of services and supplies; nor attempt to extract any promise relative to any appointment from any candidate for City Manager. Nothing in this section shall be construed, however, as prohibiting the City Council from fully and freely discussing with or suggesting to the City Manager anything pertaining to city affairs or the best interests of the City.

**Section 9.** No person related to the City Manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the city, except with the express approval of the City Council.

**Section 10.** This Article VIII-A shall be effective on January 1, 2021, if approved by the electors of Ashland in a primary or general election prior to that date. The individual employed as Ashland City Administrator on the effective date of this ARTICLE VIII-A shall be the City Manager as described above and shall remain so employed until such time as he/she resigns or is terminated by the City Council. The position of City Administrator is abolished. (Charter amendment 05-19-2020.)



# Articles

## ARTICLE IX Special Powers of the Council

**Section 1. Violation of Charter, Ordinance of Laws** The Council, at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to enact laws, ordinances and pass resolutions not in conflict or inconsistent with the laws of the United States, the State of Oregon, or the provisions of this Charter; and to provide for punishment of any person or persons found guilty by a competent tribunal of the violation of any such laws, ordinances, or any of the provisions of this Charter, by fine or imprisonment of such offender, until such fine and costs are paid; and to provide for the working of such persons so convicted on the streets of the City or at any other work, and to provide the compensation therefore to be applied on such fine and costs; but no fine shall exceed the sum of \$500 and the costs of prosecution, nor shall any imprisonment or term at hard labor exceed 60 days.

**Section 2. Levy of Taxes** The Council, by two-thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to annually ordain and levy taxes on the taxable property of the City made taxable by law for County and State purposes, not to exceed fifteen mills on the dollar on the assessed valuation in any year for the expenses of the City; and also in such further amount as may be necessary for the payment of interest or principal on any bonded indebtedness now existing or hereafter to exist against the City and for payment of any judgment or judgments obtained against the City.

**Section 2a. Flood Damage Restoration Bonds** In addition to the indebtedness otherwise authorized by law and by this Charter, the City Council of the City of Ashland shall have the power and authority to issue the general obligation bonds of the City in such amounts and with such maturity dates as the City Council shall, in its discretion, deem advisable in an aggregate amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000.00) for the purpose of financing the cost of repair and restoration in accord with current construction standards of the City's water, sewer, electrical and storm sewer systems; City streets and bridges and watershed roads and bridges; Lithia Park; the repair of riprap at the Ashland Airport; and the purchase of a dredge for the removal of present and continuous accumulations of silt in the City's water reservoir; and to further provide that all state or federal funds received to assist Ashland in repair of flood damage shall be used for that purpose or to pay principal and interest on these bonds and for no other purpose; and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums paid, the effective rate of interest on such bonds shall not exceed that allowable by the laws of the State of Oregon. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors and the bonds issued in pursuance to this Article shall not be subject to the limitation on bond or other indebtedness elsewhere contained in the Charter of said City.



# Articles

## ARTICLE IX Special Powers of the Council, Continued

**Section 2b. Hospital Improvement Bonds** In addition to the indebtedness otherwise authorized by law and by this Charter, the City Council of the City of Ashland shall have the power and authority to issue the general obligation bonds of the City in such amounts and with such maturity dates as the City Council shall, in its discretion, deem advisable in an aggregate amount not to exceed Three Hundred Sixty Thousand Dollars (\$360,000.00) for the purpose of financing the design and construction of additions and improvements to the Ashland Community Hospital; and shall have the power and right to designate the manner and time of payment of said bonds and the interest thereon, provided that considering any discounts or premiums paid, the effective rate of interest on such bonds shall not exceed that allowable by the laws of the State of Oregon. The power herein granted shall be exercised by the Council without submitting the question to a further vote of the electors and the bonds issued in pursuance to this Article shall not be subject to the limitation on bond or other indebtedness elsewhere contained in the Charter of said City.

**Section 3. Special Assessments** The Council shall have the power at regular or adjourned meeting to levy such special benefit assessments for road, sewer or other special improvements as they deem reasonable and to prescribe the time when such assessments shall be paid and to assess penalties thereon, not exceeding ten percent (10%) when delinquent, which assessments and penalties may be collected under the provisions of Article XII, Sections 1 and 2.

**Section 4. Reassessment** The Council shall have the power to enact an ordinance to correct any administrative error in the levying of any special benefit assessment and to cause a reassessment to be made.

**Section 5. Debt Limit** The Council, by a two-thirds vote at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to borrow money upon the credit of the City and authorize the issue of orders or notes therefor to an amount not exceeding \$5,000.00 when required for municipal purposes, which orders and notes shall bear a reasonable rate of interest and shall not aggregate at any time to exceed \$5,000.00.

**Section 6. Bonds** The Council, by a two-thirds vote at any regular or adjourned meeting, shall issue bonds of the City for other purposes when duly voted and required by a majority of the electors of said City; or in rebonding any bonded indebtedness of the City when the same is due and payable and the City has not the funds on hand to pay the same, but in rebonding, bonds shall not be issued for a longer period or greater rate of interest than the bonds to be liquidated. All bonds issued hereafter shall be amended to this Article; that is, Article IX, Section 2, and at such time as they are retired shall be automatically repealed.

**Section 7. Water System** The Council, by a two-thirds vote of the Council at any regular or adjourned meeting, shall have the power within the limits of the City of Ashland to suppress, restrain, and prohibit any obstruction, pollution, diversion, waste, extravagant use of, waters of Mill or Ashland Creek, either within or above the City limits.



# Articles

## ARTICLE X Ordinances

**Section 1. Enacting Clause** The enacting clause of all ordinances hereafter enacted shall be: The People of the City of Ashland do ordain as follows:

**Section 2. Mode of Enactment**

- (a) Except as the second and third paragraphs of this Section provide to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read first fully and distinctly in open Council meeting and then on a different date by title only, unless a Council member or the public requests that it be read in full for a second time, and it shall then be read fully and distinctly.
- (b) Provided all conditions set forth in paragraph (c) have been met, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present upon being read first in full and then by title.
- (c) The first reading may be by title alone if no Council member present at the meeting, or the public, requests to have the ordinance read in full, and if a copy of the ordinance is provided for each Council member and three (3) copies are provided for public inspection in the office of the City Recorder not later than one (1) week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the City Hall and by advertisement in a newspaper of general circulation and published in the City. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open Council meeting as finally amended prior to being approved by the Council.
- (d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered into the record of the proceedings.
- (e) Upon the enactment of an ordinance, the Recorder shall sign it with the date of its passage and his/her name and the title of his/her office, except as provided in Article IV, Section 3.

**Section 1. When Ordinances Take Effect** An ordinance enacted by the Council shall take effect on the thirtieth (30th) day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect; and, in case of emergency, it may take effect immediately.



# Articles

## ARTICLE XI Public Improvements

**Section 1. Condemnation** Any necessity of taking property for the City by condemnation shall be determined by the Council and declared by resolution of the Council describing the property and stating the uses to which it shall be devoted. The procedure for the condemnation shall be as ordained by the Council or provided by State law.

**Section 2. Improvements** The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance or to the extent not so governed, by applicable general laws of the State. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the Council to be needed at once because of an emergency, shall be suspended for six (6) months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section, “owner” shall mean the record holder of legal title or, where the land is being purchased under a land sale contract recorded or verified to the Recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the “owner.”

**Section 3. Special Assessments** The procedure for the levying, collecting and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be as provided in Article XII, Sections 1 and 2 of this Charter.

**Section 4. Bids** All jobs or contracts for constructing, repairing, ornamenting or improving any public place in this City or out of it, the expenses of which are to be paid out of the City Treasury, and the probable cost of which will exceed \$500, shall be advertised in a newspaper of wide and general circulation published in the City of Ashland for 10 days before the closing of the bids, and shall be done in accordance with the plans and specifications approved by the Council. The Council shall have the right to reject any or all bids without incurring any liability for such rejection.



# Articles

## ARTICLE XII Taxation: Powers and Duties of the Council

**Section 1. Duties** It shall be the duty of the Council immediately after the receipt of the certificate of the County Clerk of the County Court of Jackson County, Oregon, showing the aggregate valuation of the assessable property in said City of Ashland, to meet, and by ordinance annually levy such taxes and assessments as permitted in this Charter against the taxable property of the City of Ashland, and such special assessments and penalties as may be due and unpaid, and cause the same to be certified to the County Court, as provided in Section 2 of this Article.

**Section 2. Duties** The Council shall, immediately after such levy, notify the Clerk of the County Court, under the certificate of the City Recorder, of the rate percent of the tax levy made by the Council and all delinquent special benefit assessments and the penalties thereon, and it shall be the duty of such Clerk to compute the taxes and extend the same by entering the aggregate tax in the appropriate columns on the tax roll, and such taxes, special assessments and penalties shall be collected by the same officer, in the same manner and at the same time as taxes for County purposes are collected, and the same shall be paid over by the County Treasurer to the City Recorder as provided by law for the paying over of city taxes.

**Section 3. County Road Tax** The territory within the limits of the City of Ashland as now existing and as may be hereafter extended is hereby excepted out of the jurisdiction of the County Court of Jackson County for licensing purposes and road purposes, and the City Council shall have full and exclusive jurisdiction over the same. The inhabitants of the City shall be exempt from the payment of road taxes and assessments of the property within the City for road work, except such taxes as may be levied and assessed by the City Council, and all such taxes shall be placed in a separate fund and used for street purposes within the limits of the City and not otherwise.

**Section 4. Property Tax Transfer Tax** Requires voter approval before any real property transfer tax is enacted in Ashland. (Amendment November 2007; 15-65.) (15-65, Amended, 11/07/2006, Ballot measure 15-65.)



# Articles

## ARTICLE XIII Appointive Officers

**Section 1. Appointive Officers** The Mayor, with the confirmation by the Council, shall appoint a City Manager, a City Attorney and such other officers as the Council deems necessary. The Council may combine any two or more appointive offices. (Charter amendments: 05-23-1978; 05-19-2020.)

**Section 1A. Separate Police and Fire Departments** The City of Ashland shall maintain a fire department which is separate and distinct from the City police department. The employees of one department shall not be assigned to do the job functions of employees in the other department. (Charter amendment 01-04-1986.)

**Section 2. Qualifications, Duties and Salaries** The Council shall, by ordinances, prescribe the duties of appointive officers, and determine their compensation and qualifications, except the Municipal Judge shall be a member of the Oregon State Bar. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of his/her judicial duties.

**Section 3. Removal** The Mayor, with the consent of the Council, may suspend and remove any appointive officer at any time.

**Section 4. Interest in City Contracts** Except as provided otherwise by law, no officer, agent or employee shall have any interest in any City contract made by him/her in his/her official capacity or by any public committee, board, commission or department of which he/she is a member, agent or employee, except that the employment of the officer, agent or employee shall not be considered a contract for the purposes of this section.



# Articles

## ARTICLE XIV Chief of Police: Powers and Duties

**Section 1.** The Chief of Police shall be the conservator of the peace within the limits of the City of Ashland and, in addition to the authority vested in him/her by the City Council, he/she shall have the authority and jurisdiction of a constable, and shall qualify and discharge the duties of constable, in the same manner and to the same effect as required of constables under the statutes of this State. He/she shall, within the County of Jackson, arrest any and all persons guilty of any breach of the peace committed in his/her presence, and take them before the judge of the City Court, or some Justice of the Peace for trial. He/she shall also have the power, under any warrant from the Judge, or any Justice of the Peace, to arrest any person in any part of the State of Oregon for any criminal offense or the violation of any City ordinance and, in case the Council shall establish a police force for the City, he/she shall by virtue of his/her office be Chief of such force.

**Section 2.** The Chief of Police, or his/her designee, shall attend all meetings of the City Council, and perform the duties of the Sergeant-at-Arms of that body, watch over, care for and preserve all the City property and good morals of the City; and it shall be his/her duty, and the duty of any and all police officers, to see that all the laws and ordinances of the City, and the provisions of this Charter, are enforced, to file complaint with the City Judge against any persons violating any of the provisions of this Charter, or the laws or ordinances of the City; and a failure or neglect to faithfully perform any or all of such duties shall be cause for removal from office by the City Council.



# Articles

## ARTICLE XV Court

**Section 1. Court** A court is hereby created in the City of Ashland, Oregon, to be known as the Municipal Court. The court shall be open for the transaction of judicial business at regular times specified by the Council. All area within the City shall be within the territorial jurisdiction of the court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the State governing District Courts.

**Section 2. Judge** The Municipal Judge shall be the judicial officer of the City. He/she shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances and Charter of the City and all other offenses made punishable by State law over which the City is given concurrent jurisdiction. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinances and Charter of the City, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the Court, and to punish witnesses and others for contempt of the Court. The Judge shall make a monthly report of the Court's proceedings in writing to the City Council.

**Section 3. Term** The term of the Municipal Judge shall be four (4) years. (Charter amendment 5-23-78.)

**Section 4. Jury** A defendant may have a jury of six (6) members by demanding the same. Any jury chosen shall be governed by the laws of the State of Oregon relating to juries in the District Court, and shall have the qualifications of such jurors resident within the corporate limits of said City.

**Section 5. Fines, Fees, Costs and Cash Bail** The City Council shall provide for the collection of all Court fines, fees, costs and cash bail which shall be turned over to the City Recorder.



# Articles

## ARTICLE XVI Miscellaneous Provisions

**Section 1. Public Utilities – Water Works** The City of Ashland, a municipal corporation, shall have the power to provide the residents of said City with such services as water, sewer, electric power, public transportation and such other public utilities as the people desire by majority vote; and to exact and collect compensation from the users of such public utility; provided, however, that any and all water and water works and water rights now owned or which may hereafter be acquired by said City, for the purpose of supplying the inhabitants thereof with water shall never be rented, sold or otherwise disposed of; nor shall the City ever grant any franchise to any person or corporation for the purpose of supplying the inhabitants of said City with water.

**Section 2. Torts** The City's immunity or liability for torts shall be as determined by State law.

**Section 3. Existing Ordinances, Acts Proceedings** All existing ordinances in force when this act takes effect and not inconsistent herewith shall be and remain in full force after this act takes effect and thereafter until repealed by the Council. All actions and proceedings pending and all unfinished business whatsoever when this act takes effect shall thereafter be proceeded with according to the provisions of this act or any City ordinance applicable thereto and continued in force by this act. No suit, action or proceeding now pending in any Court shall abate by virtue of this act, and all persons in office shall continue to receive such compensation for their services during the balance of their term as appertained to the office at the time they were respectively elected or appointed thereto; and all rights vested or liabilities incurred when this act takes effect shall not thereby be lost, impaired or destroyed; all bonds theretofore issued by said City are hereby declared to be valid and of full force and effect, and all acts of the Council heretofore done in good faith for the benefit of the City and on which proceedings shall not be instituted prior to July 1, 1970 are hereby legalized and made valid in every particular.



# Articles

## ARTICLE XVI Miscellaneous Provisions, Continued

**Section 4. Repeal of Previously-Enacted Provisions** All Charter provisions of the City enacted prior to the time that this Charter takes effect are hereby repealed, except the provisions of the legislative Charter of 1898 relating to the Powers of the Chief of Police; that is, Article X, Section 1 compiled herein as Article XIV, Section 1; Powers and Duties of the Council – Taxation; that is, Article XII, Sections 1 and 2, compiled herein as Article XII, Sections 1 and 2; and Territory Excepted for Road Purposes and Licensing Purposes; that is, Article XVII, Section 1, compiled herein as Article XII, Section 3; and those provisions of the previous Charter Amendments included in the following:

- Article VII, Section 1, amended 11-2-54, compiled herein as Article IX, Section 1
- Article VII, Section 2, amended 1-28-09, compiled partially herein as Article IX, Sections 2 and 3
- Article VII, Section 3, of 1898 Charter, compiled herein as Article IX, Section 5
- Article XXVIII, Sections 1 and 2, amended 11-4-30 and 10-16-59, compiled herein as Article XVII, Sections 1 and 2
- Article XIX, Sections 1, 2, and 4, amended 12-15-08, and Section 3, amended 4-23-51, compiled herein as Article XIX, Sections 1, 2, 3 and 4
- Article XXVII, Sections 1, 2, 3, and 4 amended 11-11-28, compiled herein as Article XVIII, Sections 1, 2, 3, and 4
- Article XXIX, Section 1, amended 11-4-30, compiled herein as Article XX, Section 1
- Article XXXI, Section 1, amended 1938, compiled herein as Article XXI, Section 1
- Article X, Section 2, amended 7-17-19, compiled herein as Article XIV, Section 2
- Article XIX, Section 1-C, amended 3-12-57, compiled herein as Article XIX, Section 1-C

**Section 5. Time of Effect of Charter Amendments** This amended Charter took effect on July 1, 1970, except that Amendments to Article III, Section 2; Article VIII, Section 2; Article X, Section 2; Article XIII, Section 1 and Article XXII took effect on June 6, 1972. Article IIX, Section 4 took effect on December 19, 2006.



# Articles

## ARTICLE XVII Hospital

**Section 1.** The City of Ashland is hereby authorized and empowered to own, operate and conduct a municipal hospital within the limits of said City of Ashland under the authority and direction of the Council.

**Section 2.** The Council is hereby authorized to issue and sell, in manner and form as in its judgment it may deem best, general obligation bonds of said City in a sum not to exceed \$350,000.00 for the purpose of providing funds with which to purchase real property for a hospital, construct a building or buildings to be used for hospital purposes, and equip and furnish said hospital in and for said City. Said bonds shall bear the date established by the Council, be serial in character, callable at any interest payment date in whole or in part on or after five (5) years from the date thereof after notice as provided by law, be retired by the said City in a period of not to exceed twenty-five (25) years, be in denomination of \$1,000.00 each, be signed by the Mayor and countersigned by the Recorder under the corporate seal of said City, have semi-annual interest coupons bearing the facsimile signatures of the Mayor and Recorder attached thereto, by the terms thereof pledge the full faith and credit of the said City for their repayment, and hold and promise to pay to the bearer of each of said bonds at maturity thereof, the sum therein named in legal tender of the United States of America, with interest thereon in like legal tender, at the office of the City Recorder in said City or at such other office as the Council may, in its judgment, determine, which bonds shall be known as "Hospital Bonds."

The particular form of said bonds, the maturities thereof, the rate of interest thereon, and such other details of their issuance and sale as are not herein mentioned shall be determined by the Council in the exercise of its best judgment in order to carry out the intention hereof. That it shall be the duty of the Council to attend to the proper application of the funds derived from the sale of said bonds and the purchaser or purchasers thereof shall in no event be responsible or charged with the proper application of the funds derived from the sale thereof. That the Council is hereby authorized and empowered each year at the time of making the annual tax levy for City purposes to include in such levy a sufficient amount to meet the payment of principal and interest on said Hospital Bonds as same shall be come due, and this authority shall be in addition to all Charter and Oregon Constitution debt limitation.



# Articles

## ARTICLE XVIII Cemeteries Trust Fund

**Section 1.** The Council is hereby authorized and empowered each year, at the time of making the annual levy for City purposes, to include in such levy a sum equal to but not to exceed one mill on each dollar of assessed valuation of property within the City, which sum shall be used for the purpose of maintenance and upkeep of cemeteries held by, or under control of the City of Ashland. Such levy shall not be within the limitation of taxation provided by law. Provided further that each year from the proceeds of such levy the Council shall set aside in a permanent trust fund the sum of \$500.00, the income from which shall be used to carry out the purposes mentioned herein. When such trust fund shall have accumulated to such an extent as to provide sufficient income for the purposes for which same was created, then no further tax levy shall be made thereafter.

**Section 2.** The Council is hereby given authority to receive control, for and on behalf of the City of Ashland, or any privately-operated or owned cemetery within the said City for the purpose of providing proper upkeep and maintenance of any such cemetery, said Council to receive such control only upon conditions as to it may seem for the best interests of the City.

**Section 3.** The Council is hereby authorized to create such funds as, in its discretion, may be necessary for the purpose of keeping and maintaining in proper condition the cemeteries within or adjacent to the City of Ashland, and under the jurisdiction of said Council, and is further authorized from any monies received from sale of cemetery lots, to specifically create a trust fund for the perpetual upkeep of the lots so sold, and is further authorized to contract with the purchasers of any lots so sold, on behalf of the City of Ashland, for the perpetual upkeep of said lots on such terms and conditions as said Council may deem best for the protection of said City.

**Section 4.** The Council is hereby authorized to accept any bequests or donations for the purposes mentioned herein on behalf of the said City, which donations or bequests shall become a part of said permanent trust fund, unless specified otherwise when any such bequests or donations are given.



# Articles

## ARTICLE XIX Park Commission

**Section 1. Dedication** All those lands specified by the Charter Amendment of December 15, 1908 and May 13, 1912, are hereby reserved and forever dedicated to the people of the City for park purposes and shall never be sold, leased, encumbered or used for any purpose inconsistent therewith; provided, however, that such public buildings as may enhance the beauty of said park, or that shall not detract therefrom, may be constructed if so directed by a majority vote of the electors of said City; and provided further, that nothing contained in this act shall be construed so as to impair or interfere with proper construction or operation of the City's light, power or water system.

**Section 1C.** That the Ashland Park Commission, with the consent of the Common Council, shall have the authority to lease to the Oregon Shakespearean Festival Association, a non-profit corporation of the State of Oregon, any portion of Lithia Park described as follows, to-wit:

That certain property commencing at the northeast corner of the Chamber of Commerce building; thence, southerly along the base of the hill to southern side of pond in lower park; thence, east to ditch carrying water to waterfall; thence, southerly along ditch 150 feet; thence, east 110 feet to west side of Hargadine Street; thence, northerly on west line of Hargadine Street to northeast corner of park property; thence, following the meandering north line of park property to place of beginning, containing approximately two acres for the purpose of remodeling and expanding the present Festival theatre and the construction of additional buildings which are hereby designated as public buildings for use by the Oregon Shakespearean Festival Association for any of the purposes authorized by the corporate charter of said association, said use to be on such terms and conditions as the Ashland Park Commission, with the consent of the Common Council, deems in the best interests of the City; provided, however, that any lease shall not exceed a period of ninety nine (99) years.

**Section 2. Park Commission** The certain board created by a vote of the qualified electors of the City of Ashland, Oregon, at a special election held on the 15th day of December, 1908, which became effective by the proclamation of the Mayor published on the 17th day of December, 1908, and known and designated as the "Ashland Park Commission", be and the same, as constituted and created by said Charter amendment, and as now existing, is hereby perpetuated and continued as five (5) members with all the powers conferred and duties imposed by said Charter amendment and ordinances of the City of Ashland.

Provided, that at the general biennial election to be held on the first Tuesday after the first Monday in November, 1920, two commissioners shall be elected to serve for the term of four (4) years from the first day of January, 1921, and that at the general biennial election to be held in November, 1922, three commissioners shall be elected to serve for the term of four (4) years from the first day of January, 1923, and that the term of office for each succeeding commissioner shall be four (4) years unless elected to fill a vacancy, in which event he/she shall be elected to serve until the first day of January following the next succeeding biennial election after any such vacancy. Provided, further, that each of the commissioners now constituting the present Ashland Park Commission shall hold office for the term for which he/she was elected, and until his/her successor is elected and qualified.



# Articles

## ARTICLE XIX Park Commission, Continued

**Section 3. Funding** The said Park Commission shall have control and management of all the lands here dedicated for park purposes and of all other lands that may hereafter be acquired by the City for such purposes. They shall have control and management of all park funds, whether the same is obtained by taxation, donation or otherwise, and shall expend the same judiciously for beautifying and improving the City's parks. It shall be the duty of said Commission and they shall, at the beginning of each month, file with the City Recorder for the information of the City Council and the public, a report of their doings for the preceding month. Such report shall specify all funds on hand and the source from whence obtained. It shall carry a clear statement of all monies expended and for what purpose. All purchases made and all labor performed, together with the cost thereof, shall be embodied in said report. At the time for making the tax levy for general City purposes in each year, the said Commission shall cause a careful estimate to be made of the money required for park purposes for the ensuing year and file the same with the City Recorder, whereupon there shall be included in said general levy not to exceed four and one half (4-1/2) mills on the dollar to meet such requirements, which, when collected, shall be deposited with the City Recorder subject to the order of said Commission. The levy herein authorized shall be outside the limitation on taxation set forth in Article XI, Section II of the Constitution of Oregon.

**Section 3. Salary; Government** The said Commission shall serve without pay and shall have power to formulate and adopt rules and regulations for their government and for the purpose of carrying into effect the purposes of their creation as Park Commission. They shall enter upon the discharge of their duties immediately upon their organization and shall, as soon as may be expedient, cause a map or maps to be made of the lands herein dedicated, and shall make the same conform to the descriptions contained in the instruments by which said City obtained title thereto; which said instruments shall be considered as carrying a more specific description of said lands.



# Articles

## ARTICLE XIX–A Open Space Program

**Section 1. Creation, Powers and Duties** An Open Space Park Program is hereby created to be administered by the Ashland Park Commission. The Park Commission shall make recommendations to the City Council concerning priorities for land and easement acquisitions for the Open Space Park Program. After dedication of land to the Open Space Park Program, the Ashland Park Commission shall be responsible for the administration, development and operation of such lands.

**Section 2. Land and Easement Acquisition Procedures** Both the Ashland Park Commission and the City Council must agree upon land or easements to be acquired for open space park purposes. Before any land or easements that have been acquired for the Open Space Park Program are disposed of and released from the Program there shall be a public hearing. Disposal shall be by Ordinance, which shall not contain an emergency clause, thus giving to the people of the City of Ashland the opportunity to petition for a referendum. Land or easements acquired for open space park purposes shall be dedicated by the City Council for such purposes. Such dedicated lands or easement shall be under the control and management of the Ashland Park Commission. The City Council shall not use the power of condemnation to acquire fee simple ownership of any land for Open Space purposes or for trails. (Amended 8-14-90.)

**Section 3. Resources** Monies dedicated to the Open Space Park Program shall be expended only for Open Space lands or easements, for costs of acquisition and for such other purposes pertinent to the Open Space Park Program as the Council and Park Commission may jointly determine. All monies dedicated for acquisition of Open Space Park Program lands shall remain under the financial management of the City of Ashland.

The tax measures for funding for land acquisition for the Open Space Park Program shall be approved by the voters, and the tax rates approved therein by the voters shall not be altered for Open Space purposes by the City Council without further approval by the electorate. Said tax measures for funding of the Open Space Park Program shall expire on December 31, 2010, unless extended by a vote of the electorate. (Amended 8-14-90.)

**Section 4. Definition and Purpose of Open Space Park Lands** The definition and purpose of open space park lands shall be as defined in State Law, ORS 308.740, or as modified by Ordinance of the City of Ashland. (Amended 5-15-90.)



# Articles

## ARTICLE XX Municipal Airport

**Section 1. Power** The City of Ashland is hereby given the power and authority to acquire, own, conduct and operate a municipal airport either within or outside the limits of the City of Ashland, under the authority and direction of the Council.

## ARTICLE XXI City Band

**Section 1.** At the time of making the tax levy for general City purposes each year, the Council shall cause a careful estimate to be made of the money required for the purpose of a City Band for the ensuing year, such estimate shall be presented and considered with the other items in the annual budget and there shall be included in the general levy for the ensuing year not to exceed six-tenths (0.6) mills on the dollar for such band requirements, which fund, when collected, shall be deposited with the City Recorder, subject to the order of the Council.

## ARTICLE XXII Recreation Commission

**Section 1.** The Ashland Recreation Commission is hereby created to be composed of the five (5) Ashland Park Commissioners and their terms of office shall be the same.

**Section 2.** The powers and duties of the Recreation Commission shall be as set forth in this Charter, the Ordinances of the City of Ashland, and by any other applicable law.

**Section 3.** Any funds to be spent by the Recreation Commission for recreation purposes shall be from such funds as may be appropriated from time to time by the City Council, and in no event shall any funds be spent for recreation purposes that are received pursuant to Article XIX of this Charter and which relates to the Park Commission and a levy for park purposes.

## Charter Index

View the Charter Index at [ashlandoregon.gov/Charter](http://ashlandoregon.gov/Charter)



*Better Together*



## SECTION 4

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### Rules of City Council & Commissions-Boards

Ashland Municipal Code 2.04, Rules of City Council..... 1-18  
Ashland Municipal Code 2.10, Uniform Policies & Procedures  
for Advisory Commissions and Boards..... 19-23



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# AMC 2.04 Rules of City Council

(Ashland Municipal Code)

Sections:

- 2.04.010 Authority**
- 2.04.020 Meetings**
- 2.04.030 Agendas**
- 2.04.040 Conduct of Meetings**
- 2.04.050 Order of Business**
- 2.04.060 Identification of Fiscal Impact of Policy Decisions**
- 2.04.080 Conduct with City Employees**
- 2.04.090 Commissions and Boards**
- 2.04.100 Council Liaisons to City Advisory Boards and Commissions**
- 2.04.110 Council Representatives to State, Regional, Community and other External Organizations**
- 2.04.115 Representations**
- 2.04.120 Councilor Expense**

## **2.04.010 Authority**

- A. Oregon Revised Statutes, the City Charter, and the Ashland Municipal Code govern the meeting requirements and actions of the Council.
- B. These operating policies and procedures are established and adopted under the authority granted in the Ashland City Charter, Article VIII, Section 3.
- C. Robert's Rules of Order Newly Revised shall be the authority for deciding any questions on meeting requirements and actions not covered by the rules in AMC [2.04](#) or Oregon Revised Statutes.
- D. Failure to strictly follow the rules in AMC [2.04](#) or Robert's Rules of Order Newly Revised shall not be cause to void or otherwise disturb a decision or action of the Council.
- E. Charter provisions may be suspended or repealed only by a vote of the people. The rules on meeting procedures in Robert's Rules of Order Newly Revised and in the Ashland Municipal Code provisions listed below may be suspended temporarily upon a motion that is seconded and passed by a two-thirds vote in favor. Such a motion is not debatable or amendable.
  - 1. AMC [2.04.020.A](#) (Regular Meeting days and times)
  - 2. AMC [2.04.020.C](#) (Study Session days, times, and content)



# AMC 2.04 Rules of City Council

(Ashland Municipal Code)

3. AMC [2.04.040.B](#) (Attendance by electronic communication)
4. AMC [2.04.040.C.4](#) (Parliamentary procedure)
5. AMC [2.04.050.D.1](#) (Placement of Public Forum in agenda)
6. AMC [2.04.050.D.4](#) (Rules on requests to speak at Public Forum)
7. AMC [2.04.050.F.3](#) (Rules on requests to speak at Public Hearings)
8. AMC [2.04.050.G.1](#) (Opportunity for public comment on agenda items)
9. AMC [2.04.050.J.1](#) (Submittal of ordinances 14 days in advance of meeting)

F. The City Attorney is designated as parliamentarian for the Council. Council members' requests for information and on meeting requirements or possible Council actions may be referred to the City Attorney through the presiding officer for interpretation. After taking into account any opinion of the City Attorney, the presiding officer must rule on questions about meeting requirements or possible Council actions. A ruling of the presiding officer may be challenged by a point of order as set forth in AMC [2.04.040.C.4.b.\(1\)](#). (Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

## 2.04.020 Meetings

A. *Regular Meetings.* The regular sessions of the Council are on the first and third Tuesday of each month unless otherwise arranged, beginning at 6:00 p.m. Meetings are required to end no later than 9:30 p.m., except in the following circumstance:

1. If a motion or any amendment to a motion has been made and has been seconded if a second is required, deliberation on the motion shall be allowed to continue until no later than 9:40 p.m., at which time deliberation shall end; and any amendments to the motion and the motion itself shall be voted upon immediately and without further deliberation or debate and without passage of a motion to end debate.

B. *Special Meetings.* A special meeting may be called either by the Mayor or two members of the Council. Notice of the time and place of such special meeting and the subjects to be acted upon shall be delivered to all members of the Council at least seventy-two (72) hours in advance of the time of the meeting, except in the case of an emergency, and the Council may consider and act only upon such matters as contained in the notice.

C. *Study Sessions.*

1. Study sessions are for Council members to receive background information and recommendations from staff or invitees with expertise on City business; to ask questions, discuss options, express their individual views on matters that may be voted on in subsequent regular or special meetings; and to provide guidance to staff. The Council may vote in study sessions on guidance to staff concerning matters to be presented to Council for decision at subsequent meetings. By consensus, the Council also may direct staff to take action on



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other matters that do not require Council decision by ordinance or resolution. No particular cases involving quasi-judicial decisions may be discussed at study sessions.

2. Each study session shall include up to a total of fifteen (15) minutes for public forum, in which persons may speak about any topic on the agenda for that study session. Persons wishing to speak during public forum are to submit a “speaker request form” to the City Recorder.
3. Study sessions shall begin at 5:30 p.m. on the day before each regular meeting unless otherwise arranged, but shall not be held on national holidays. The Mayor or two (2) Councilors may call a study session at any time with not less than seventy-two (72) hours’ advance notice.

D. *Executive Sessions.*

1. All meetings of the City Council shall be held in open sessions, except meetings that may be closed for those purposes specified in the Oregon Public Meetings Law (ORS [192.610](#) through [192.690](#)). These purposes include, but are not limited to, the employment and dismissal of public employees, the performance evaluation of the City Manager and City Attorney, labor negotiations, real property transaction negotiations, and consulting with legal counsel on pending or threatened litigation. At any time during an executive session, a Councilor who feels a matter under consideration should be addressed exclusively in open session may state a point of order, which shall be ruled upon in the executive session as set forth in AMC [2.04.040.C.4.b\(1\)](#).
2. Notice of executive sessions shall be given as required by State law and such notice must state the specific provision of law authorizing the session. The Mayor and City Councilors will act in accordance with State law regarding confidentiality of information discussed in executive sessions.
3. At the commencement of each executive session, the presiding officer must state on the record that executive session information is confidential and may not be reported. The proceedings may be reported if no such statement is made.

E. *Emergency Meetings.* The City Manager is responsible for implementation of the Emergency Management Plan. When the City Manager determines that a state of emergency exists, the City Manager will make a declaration to that effect and will request that the Mayor call an emergency meeting of the Council in order to ratify the declaration of emergency. The emergency meeting of the Council will occur as soon as possible after the declaration of emergency. A quorum of the Council may not be possible due to emergency circumstances and is not required for this emergency meeting. Notwithstanding the advance notice requirements in subsections [B](#), [D](#) and [E](#) of this section, notice of the emergency meeting can be made in the most expedient manner as determined by the City Manager and need not be seventy-two (72) hours in advance, but notice of the emergency special meeting must be given at least twenty-four (24) hours in advance if feasible. In any case, minutes of any emergency meeting must meet the requirements of ORS [192.640\(3\)](#) and [192.650](#).

F. *Notice of Meetings.* Advance notice of at least seventy-two (72) hours shall be provided for all meetings, except for emergency meetings. Notice shall be sent to a newspaper with general local circulation and posted prominently on the City’s website. In the case of an emergency or when a state of emergency has been declared, public notice appropriate to the circumstances shall be provided and reasons justifying the lack of seventy-two



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(72) hours' notice shall be included in the minutes of such meeting. (Ord. 3192 § 2, amended, 11/17/2020; Ord. 3181 § 1, amended, 10/01/2019; Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

## 2.04.030 Agendas

The City Manager is responsible for the preparation of the Council agenda.

A. *Agenda Guidelines for Regular Meetings.* Topics will be added to a Council agenda based on timeliness of the topic and with consideration of the number of items already scheduled for the Council. Matters to be considered by the Council shall be placed on an agenda to be prepared by the City Manager from the following:

1. All items considered by the Council during study sessions, which require a subsequent Council vote.
2. All items which are required by law or policy to be presented to the Council.
3. All other items that the City Manager, City Attorney or Mayor present to the Council for action or information.
4. Items placed on the agenda in accordance with subsection [B](#) or [C](#) of this section.
5. Requests of City boards, commissions, and committees.

B. *Agenda Additions by Councilors.*

1. A Councilor may place any item on the Council's business meeting agenda; provided, that another member of the Council acknowledges concurrence with the addition and that preparing the matter for Council consideration does not require more than two (2) hours of staff time, including policy research and document drafting. A proposed addition for the agenda of a particular upcoming business meeting must be delivered to the City Manager no later than noon of the Wednesday prior to that Council meeting. The City Manager shall determine the order of business of the item. The Mayor may defer the item until a later meeting if the agenda of a particular meeting is already lengthy or if, in the Mayor's sole judgment, the matter is not time-sensitive, but in no case shall the Mayor defer the item to an agenda that is more than three (3) months beyond the date requested by the Council members submitting the item. Council members will endeavor to have subjects and any materials they wish considered submitted prior to finalization of the Council packet.
2. A Councilor who wants to add to the Council's agenda an item requiring more than two (2) hours of preparation by staff, including policy research and document drafting, should first propose the addition at a regular meeting under other business from Council members or at a study session. The Council should consider such additions to the Council agenda in light of City priorities, including adopted City Council goals, and workload. The Council must agree to proceed with an issue or ordinance before staff time is spent preparing the matter for Council action. The Councilor may present information or a position paper or ask for a department report or committee recommendation. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.



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C. *During a Meeting.* A topic may be added to the agenda by a majority vote of the Councilors present. Generally these items should be limited to items of timeliness or emergencies. Advance notice of executive sessions, however, must be given as required by State law.

D. *Postponing Agenda Items Before Consideration.*

1. If a Councilor will be absent from an upcoming regular meeting, the Councilor may request during a regular meeting that consideration of an agenda item be postponed to a future regular meeting. The request will be honored if the majority of the Council votes in favor of postponement and the matter is not time-sensitive.

2. If the request to postpone is made outside a regular Council meeting the Councilor requesting the postponement shall submit a request to the Mayor or City Manager in writing or by email as early as possible. The request to postpone will be honored unless the majority of the Council at the public meeting votes not to postpone the item or if the matter is time-sensitive.

3. If time expires before the City Council can consider an item on the agenda including an advertised item, the unaddressed item shall automatically be continued to the next scheduled regular meeting or study session; re-advertisement shall not be required for such continued items. A note shall be placed on the agenda referencing this continuance rule: "Items on the Agenda not considered due to time constraints are automatically continued to the next scheduled Regular Meeting or Study Session of the Council. AMC [2.04.030.D.](#)"

E. *Council Packets.* Written materials, from Councilors, staff and citizens, which are related to agenda items to be included in the Council packet, must be submitted to the City Manager's office no later than 12:00 noon, six (6) days in advance of the Council meeting for which it is intended. Materials submitted must include author's name and address.

F. *Study Session Agenda Preparation.* The City Manager shall prepare the agenda for the study sessions from:

1. Items requested by the Mayor and members of the Council to be listed on the agenda.
2. Items deemed appropriate by the City Manager.
3. Business from the Council pertaining to committee reports and other business.
4. Items requested by City Commissions, Committees or Boards.

G. *Time Limits.* Items appearing on the Council study session agenda shall be assigned a time limit, and the Mayor shall hold discussion to within the time frame, unless the consensus of the Council is to extend the time limit until an issue or item is discussed and resolved. (Ord. 3192 § 3, amended, 11/17/2020; Ord. 3183, amended, 05/19/2020; Ord. 3107, amended, 2015; Ord. 3100, amended, 2014; Ord. 3002, amended, 02/18/2010; Ord. 2947, amended, 12/18/2007)



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## 2.04.040 Conduct of Meetings

A. *Quorum.* As provided in Article VIII, Section 4 of the City Charter, four (4) Councilors, or the Mayor and not less than three (3) Councilors, constitute a quorum. If the Council members present do not constitute a quorum, the members present may adjourn or a majority of the members in attendance may direct staff to notify the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed with business.

B. *Attendance by Electronic Communication.* Except in the event of a suspension of rules pursuant to AMC [2.04.010.E](#), members of the City Council may not attend or vote at public meetings by means of telephone or other electronic communication. The rules on meeting procedures and Council actions shall otherwise remain in effect notwithstanding any such suspension of rules to allow for attendance by electronic communication.

C. *Council Deliberation.*

1. *Presiding Officer.* The Mayor, or, in the Mayor's absence, the Chair of the Council, shall be the presiding officer at the meetings of the City Council. In the absence of these officers at any meeting, the Councilors present shall appoint a Chair pro tem to serve temporarily as presiding officer and proceed with the meeting. The presiding officer may not vote on appeals from decisions made while acting as presiding officer. The Chair of the Council or Chair pro tem may vote on all other motions, but the Mayor may vote only as provided in Article IV, Section 3 of the City Charter.

2. *Deliberation Rules.* The presiding officer shall ensure that each Council member has the opportunity to speak on each issue before the Council. Councilors must ask the presiding officer to be recognized. Unless otherwise permitted by the presiding officer, no member may speak more than once on an issue and may do so only after every other member has spoken on or declined to address the issue. Time limits may be set on topics by the presiding officer or by a consensus of the Council. Council members, as well as members of the public speaking on Council agenda items, shall confine their remarks to the question under deliberation, avoid redundancy, speak only for themselves, and make no negative personal remarks or comments about the motives or personal traits of others.

3. *Decorum.* The presiding officer shall be responsible for ensuring order and decorum are maintained. Except by permission of the presiding officer, a Councilor shall address any remarks to the Council, and not to the audience. Any person's failure to abide by the presiding officer's instructions constitutes "disruption of a lawful assembly" as provided in ORS [166.025\(1\)\(c\)](#) and may be cause for the presiding officer, or a majority of the Councilors, to direct a City official to remove the person from a Council meeting. Disruptive behavior includes engaging in violent, intimidating or distracting actions or gestures, making loud or disruptive noise, using loud or disruptive profane language, making negative personal remarks or comments about the motives or personal traits of others, and refusing to obey an order of the presiding officer. Signs are not permitted and will be considered disruptive. A direction or order of the presiding officer may be challenged by a point of order as set forth in subsection [C.4.b\(1\)](#) of this section.

4. *Motions and Permissible Intervening Actions.*



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a. *Councilor Actions during Debate.* No motion or intervening action shall be received or recognized by the presiding officer when a question is under debate, except for the ten secondary motions and intervening actions listed below. The disposition of any motion or action listed below must occur before consideration of any other action lower on the list.

- (1) Point of order, request for information, or objection to consideration of a matter;
- (2) Motion to adjourn;
- (3) Withdrawal of a motion;
- (4) Motion to lay the matter on the table;
- (5) Motion to divide a motion under debate;
- (6) Motion to refer;
- (7) Motion to call for the previous question;
- (8) Motion to postpone to a certain time;
- (9) Motion to postpone indefinitely;
- (10) Motion to amend.

b. *Permissible Intervening Actions While a Speaker Has the Floor.*

(1) *Point of Order.* Any member may interrupt a speaker who has the floor to raise a point of order if meeting protocol appears to have been broken. The point of order must be addressed to the presiding officer and may not be addressed directly to the speaker. The speaker must immediately cease speaking, and the issue identified in the point of order must be resolved before business continues. No second is required, and no debate is allowed on the point of order. The presiding officer may seek clarification on the point of order from its maker, from the speaker who had the floor when it was made, or from the Parliamentarian. Before proceeding further, the presiding officer must sustain or overrule the point of order or submit it to Council decision by majority vote with no debate. A member who disagrees with the presiding officer's decision to sustain or overrule a point of order may move immediately following a ruling by the presiding officer to overturn it. The motion to overturn a ruling on a point of order may not be debated, and the presiding officer may not vote on it. Approval of the motion requires a majority of affirmative votes; the motion fails in the event of a tie vote.

(2) *Request for Information.* Any member may interrupt a speaker who has the floor to seek permission to make a request for information from the speaker or from staff or invitees with expertise on the subject under discussion. The request must be addressed to the presiding officer and may not be addressed directly to the speaker. The speaker must discontinue speaking until the request for information has been denied or satisfied. No second is required, and no colloquy is allowed on the request for information, except to the extent specifically set forth herein. The



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information sought must concern either the subject under discussion or meeting procedure rules. The presiding officer may ask the requestor for a statement of the nature of the information sought. Neither a request for information nor a statement of the nature of the information sought may contain statements of fact unless they are necessary to make the request intelligible and must not contain arguments. Upon inquiry from the presiding officer, the person who had the floor when the request for information was made has sole discretion whether to temporarily relinquish the floor to allow the requested information to be provided. An objection to apparently superfluous requests for information may be made through a point of order.

(3) *Objection to Consideration of a Matter.* A member who contends a matter about to be discussed is irrelevant or for any other reason not advisable to consider, may object to consideration of the matter. The objection may be made before or after another member has been assigned the floor, but only if debate has not yet begun and none of the motions in subsection [C.4.a](#) of this section has been made. An objection to consideration of a matter does not require a second and is not debatable or amendable. Immediately after the objection is made, a vote on sustaining the objection must be taken. The objection fails unless at least two-thirds of the Councilors present vote to sustain it.

- c. *Main Motion.* A main motion is a proposed action that brings business before the Council when no other motion is pending. The actions listed in subsection [C.4.a](#) of this section may be undertaken while the main motion is pending, and, if passed, may affect the Council's consideration of the main motion. A main motion requires a second, is amendable and debatable, and passes upon a majority vote in favor.
- d. *Adjourn.* A successful motion to adjourn terminates a meeting and transfers the remaining unfinished business to the agenda of the next regular meeting or study session. It requires a second, is not debatable or amendable, and passes upon a majority vote in favor.
- e. *Withdrawal.* A motion may be withdrawn by the mover at any time before an amendment is made to it or, if no amendment is made, before a vote is taken on it. Withdrawal of a motion does not require a second, and debate of a proffered withdrawal is not allowed.
- f. *Motion to Lay a Matter on the Table.* A motion to lay a matter on the table is a proposal to suspend consideration of a main motion and all pending related motions until later in the same meeting in order to deal with another matter that has come up unexpectedly and which must be dealt with before the pending motion can be properly addressed. A motion to lay a matter on the table requires a second, is not amendable or debatable, and passes upon a majority vote. Before the meeting adjourns, a subsequent nonamendable, nondebatable motion may take the matter from the table if seconded and passed by a majority vote in favor. If the meeting adjourns without considering the tabled item, it will be continued to the next regular meeting or study session in accordance with AMC [2.04.030.E](#).
- g. *Division of a Motion.* Any member may move to split a motion under consideration into two or more independent motions that are taken up in sequence. Each new motion is debated, possibly subjected to secondary motions, and voted upon before taking up the next part. The mover may designate in the motion the order in which the parts are considered. The motion requires a second, is amendable, is not debatable, and passes upon a majority vote in favor.



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h. *Referral.* A motion to refer is a proposal to refer a matter to a subcommittee or another body for further study and possible recommendations to the Council. The motion requires a second, is debatable and amendable, and passes upon a majority vote in favor. Any proposed amendments to a main motion on the referred matter that are pending at the time are also referred.

i. *Previous Question.* A motion to call the previous question is a proposal to end debate on a pending motion. It precludes all amendments and debate on the pending motion until it is decided. The motion to call the previous question is not debatable or amendable and requires a second and a two-thirds vote in favor.

j. *Postpone to a Certain Time.* This motion is a proposal to postpone a matter to a particular future meeting, requires a second, is debatable and amendable, and passes upon a majority vote in favor. One function of this motion can be to continue consideration of an agenda item at a designated subsequent meeting.

k. *Postpone Indefinitely.* A successful motion to postpone a matter indefinitely prevents action on the matter for the rest of the meeting. It must be seconded, may be debated, may not be amended, and passes upon a majority vote in favor. The debate may address the substance of the main motion. A successful motion to postpone a matter indefinitely does not preclude consideration of the matter at a subsequent meeting if it is properly added to the respective agenda.

l. *Amendment.* Any main motion and any amendment to a main motion may be amended to add or omit words. A proposed amendment must be germane, must be seconded, and is debatable if the motion to be amended is debatable. The amendment passes upon a majority vote in favor. Other amendments may also be proposed; provided, that they do not nullify the amendments already passed or attempt to amend a motion to amend a motion to amend.

5. *Restatement of Motion.* Before a vote is taken on a motion, it must be restated by the presiding officer or the City Recorder.

6. *Voting.*

a. When a question or motion is put to a vote by the presiding officer, each Councilor present must vote for or against the motion unless a majority of the Council excuses that Councilor from so doing. Unless excused from voting, a Councilor who is present and does not vote for or against the motion shall be counted as having cast a negative vote. The Mayor can only vote in the case of a tie, and then is required to vote unless excused from voting by a majority of the Councilors present. If the Mayor fails to vote when required to do, the Mayor shall be counted as having cast a vote against the motion.

b. A simple majority of the quorum present determines the action on ordinance or resolution and on most motions. On questions required by City Charter, City ordinances, or applicable provisions of Robert's Rules of Order Newly Revised to be decided by a two-thirds vote of the Council, approval requires an affirmative vote of at least four (4) Councilors.

7. *Reconsideration.* A member who voted in favor of any Council action may move for reconsideration before adjournment of the meeting at which the action was approved or at the next regular meeting, unless the item



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already has been approved or vetoed by the Mayor pursuant to Article IV, Section 3 of the City Charter. The motion must be seconded, is debatable if the action under reconsideration is debatable, is not amendable, and passes upon a majority vote in favor. Any member may second a motion for reconsideration. A motion to reconsider a Council action may be made only once. A vetoed item may not be the subject of a motion for reconsideration. (Ord. 3192 § 4, amended, 11/17/2020; Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007; Ord. 2902, amended, 11/18/2003)

## 2.04.050 Order of Business

The Mayor's State of the City address shall occur in January of each year.

The Mayor or presiding officer may change the order of business on the agenda. The usual order of business will be as follows:

- A. Roll call.
- B. Approval of minutes of the previous meeting. If there are no corrections or objections to the minutes, they shall be considered approved; otherwise, to be approved by vote. The minutes as approved shall be signed by the Mayor and City Recorder.
- C. Special presentations, proclamations and awards. This item on the agenda is used to acknowledge special recognition and awards given to the City or for the Mayor to announce proclamations, which serve to encourage and educate the community. Proclamations shall be made and placed on the agenda at the discretion of the Mayor. Requests for recognition under this agenda item should be submitted in writing to the Mayor.
- D. *Public Forum.*
  1. Public forum is to precede the consent agenda unless public forum is moved to later in the agenda of a particular meeting by decision of the Mayor or presiding officer or by temporary suspension of the rules pursuant to AMC [2.04.010.E](#).
  2. Members of the public may speak during public forum about any topic not on the agenda for the same meeting. The agenda for public forum is fifteen (15) minutes, unless a majority of the Council votes to extend the time. On behalf of the City, any Councilor may request that any matter discussed during public forum be placed on a future Council agenda.
  3. Public forum is not to be used to provide or gather additional testimony or information on a quasi-judicial matter. Public testimony will not be accepted on a matter subject to a public hearing where the record has been closed if the matter is still pending.
  4. Persons wishing to speak during public forum are to submit a "speaker request form" prior to the commencement of the public forum and deliver the form to the City Recorder. The Mayor or presiding officer is to inform the audience on requirements for submission of the form. When possible and feasible, preference will be given the individuals who reside within the City limits of Ashland. Persons who do not reside in the City may be placed at the end of the list of those wishing to speak at public forum.



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E. *Consent Agenda.* Routine business items may be listed by the City Manager under this item, which shall be acted upon in its entirety, except that the Mayor or any member of the Council may request that any item be moved to the regular agenda under the appropriate section of business.

F. *Public Hearings.*

1. Public hearings shall conclude at 8:00 p.m. and be continued to a future date to be set by the Council, unless the Council, by a two-thirds vote of those present, extends the hearing(s) until up to 9:30 p.m. at which time the Council shall set a date for continuance and shall proceed with the balance of the agenda.
2. Not more than two (2) land-use appeal hearings shall be scheduled for any regular meeting of the Council. The City Manager may, in the City Manager's discretion, schedule additional legislative hearings depending on the anticipated length of the Council meeting.
3. Persons wishing to speak at public hearings are to submit a "speaker request form" prior to the commencement of the hearing and deliver the form to the City Recorder. The Mayor or presiding officer is to inform the audience of this requirement to submit the form prior to the commencement of the hearing. No testimony will be accepted on public hearings that have been closed.

G. *Public Testimony on Agenda Items.*

1. Members of the public who wish to speak on an agenda item that is not the subject of a public hearing at the same meeting (see subsection F of this section regarding public hearing testimony) may do so at the time set aside for that agenda item. If a member of the public or a Council member has requested time to speak on a consent agenda item, the presiding officer shall make time for a brief presentation by the requestor prior to the Council's vote on the consent agenda.
2. Persons wishing to speak on an agenda item are to submit a "speaker request form" prior to Council consideration of the agenda item and deliver the form to the City Recorder. The Mayor or presiding officer is to inform the audience on requirements for submission of the form.
3. The presiding officer will set time limits for people who ask to speak on agenda items. In general the time limits should be set to enable all people who wish to present testimony. Time limits shall not be so short as to not allow speakers to address their topics.

H. Unfinished business.

I. New business.

J. *Ordinances, Resolutions and Contracts.*

1. Every ordinance is to be enacted in accordance with Article X of the City Charter. Copies of the ordinance shall be e-mailed to Council members and the Mayor at least fourteen (14) days prior to the meeting. Council members may review the ordinance and forward suggestions for changes to the City Attorney for consideration. Minor changes may be incorporated; substantive changes will be considered at the time of first reading. Any substantive changes to the ordinance must be verbally noted at first reading. Council members must submit comments to the City Attorney no later than 12:00 noon on the Wednesday prior to Council



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meeting. Lengthy ordinances may be read by title only at Council meetings if the ordinance title has been published in the local paper at least seven (7) days in advance of the Council meeting.

2. Resolutions may be placed on the consent agenda and voted upon. Resolutions do not require a roll-call vote.
3. The voting on all ordinances may be by roll-call vote and recorded in the minutes showing those numbers voting for and those voting against.

K. Other business from Council members. (Ord. 3192 § 5, amended, 11/17/2020; Ord. 3181 § 2, amended, 10/01/2019; Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

## 2.04.060 Identification of Fiscal Impact of Policy Decisions

A. When the City Council adopts a program or policy, it shall indicate how it expects that program or policy will be funded; e.g., which existing taxes or fees the Council expects to increase and by how much, or which current City programs or department expenditures the Council expects to reduce to fund the new program or policy. However, if the Council cannot reasonably identify a potential funding source, it shall so indicate.

B. As used in this Section the term “program or policy with significant revenue implications” includes an ordinance or a resolution in which implementation may entail expenditures in any budget year in excess of one and one-half percent (1.5%) of the City’s annual General Fund budget, and which may require an increase to existing taxes or fees or an imposition of new taxes or fees.

C. The provisions of this Section shall not apply to extraordinary expenditures in situations of, or necessitated by, public emergencies. (Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

## 2.04.080 Conduct with City Employees

The City Council will work with City staff in a spirit of teamwork and mutual cooperation.

A. Councilors may make inquiries of staff to increase their understanding of an issue or action. Councilors should limit requests for information from staff to questions that may be answered with minimal research. Requests that require significant staff time or resources (two hours or more) should be directed to the City Manager and must be approved by the Mayor, City Manager, City Attorney or by a majority vote of the City Council.

B. Written information given by the Mayor, Councilors, City Manager, City Attorney, or City staff, including materials requested by individual Councilors and the Mayor, generally will be distributed to all Councilors with a notation indicating who has requested that the information be provided.

C. Individual Councilors should respect the separation between policy-making and administration. Councilors shall not pressure or direct City employees in a way that could contravene the will of the Council as a whole or limits the options of the Council. Councilors must not interfere with work performance, undermine the authority



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of supervisors, or prevent the full Council from having access to relevant information. Notwithstanding this paragraph, nothing shall hamper the Council's ability to evaluate the performance of the City Manager or the City Attorney.

D. The Mayor and Council members should strive not to criticize any person in a public meeting or in public electronic mail messages. The same expectation applies to City staff in the exercise of their official duties. Discussions and disagreements should focus on the content of the topic at hand. Nothing should limit a Councilor or staff person's right to report wrongdoing.

E. Councilors with a concern about the performance of a particular staff person should express that concern to the Mayor, City Manager, or City Attorney. (Ord. 3192 § 6, amended, 11/17/2020; Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

## 2.04.090 Commissions and Boards

A. *Establishing Commissions and Boards.* Commissions and boards originate from different sources, including Oregon State Statute, City Charter and Municipal Code; others are established by direction of the Mayor or the City Council. Establishment and description of the Recreation Commission, which is not an appointed commission, is described in City Charter Article XXII and in AMC [2.16](#). Appointed advisory commissions and boards and other advisory bodies which are permanent shall be described in other sections of AMC Chapter [2](#) and designated as "Regular" boards, commissions, or advisory bodies. These shall include but not be limited to Forest Lands Commission, Planning Commission, Transportation Commission, Planning Hearings Board, Public Arts Commission, Conservation Commission, Ashland Airport Commission, Housing and Human Services Commission, Historic Commission, Tree Commission, and the Municipal Audit Commission. AMC [2.10](#) contains code applicable to Regular and ad hoc commissions, boards, task forces and other advisory bodies.

B. *Ad hoc Committees.* The Mayor shall have the authority, with the consent of the Council, to form ad-hoc committees or task forces to deal with specific tasks within specific time frames. Such ad hoc committees shall abide by uniform rules and procedures set forth in AMC [2.10](#) and such other rules as prescribed by the order establishing such ad hoc entities. Committees shall make recommendations by way of a formal report to the City Council. The Mayor or City Manager may refer matters to the appropriate ad hoc committee. The Mayor with the consent of the Council shall appoint the membership of such committees. Members of Regular Boards and Commissions may be appointed to ad hoc committees. The City Manager shall by order establish the ad hoc body's scope of the work and rules of procedure, if necessary. The Council has the authority to follow the recommendations, change the recommendations, take no action, remand the matter back to the ad hoc body or take any other action it sees fit. The Council by majority vote may remove a member of an ad hoc committee at any time, with or without cause. The City Council by majority vote may amend or dissolve an ad hoc committee.

C. *Regular Commission and Board Membership Appointments.* Except for the Municipal Audit Commission (AMC [2.11](#)) all Regular advisory committees and boards not required by state law to be appointed by the City Council shall be appointed by the Mayor with the consent of the Council. The Mayor may request assistance or recommendations from Councilors in making appointments. In the Mayor's absence, any necessary appointment may be made by the presiding officer with the consent of the Council. When necessary, the Mayor shall stagger



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the initial expiration of terms of appointees, such as in the case of a new commission or board. The Mayor shall not appoint, nor shall the Council consent to the appointment of a person to more than two (2) regular board or commission positions at a time. This rule shall not apply to the Planning Hearing Board. Because broad citizen participation is encouraged, the Mayor and Council shall give due consideration to appointment of new qualified members before re-appointing a person to more than two (2) full terms on any single regular board or commission.

D. *Mayor Membership on Ashland Budget Committee.* For the purpose of local budget law, the Mayor is a member of the governing body of the City of Ashland and shall be a voting member of the budget committee.

E. *Student Membership on Regular Commissions and Boards.* The Mayor with the consent of the City Council may add to the membership of any city commission or board up to two positions for student liaisons. The student liaisons shall be nonvoting ex officio members of their respective commissions or boards. Once the liaison positions have been added, the liaison from the high school shall be a high school student chosen by the Ashland High School Leadership class and the liaison from the university shall be a university student chosen by the Associated Students of Southern Oregon University Student Senate. Student Liaisons need not be appointed to every advisory commission or board.

F. *Regular Membership Removal Process.* The City Council, with or without cause, may by majority vote of the City Council at a Regular Meeting, remove any regular commission or board member prior to the expiration of the term of the appointment. Written notice of removal to the affected member shall be provided. Removal shall be handled with respect and courtesy. If a member resigns or is removed, the Mayor shall appoint a replacement for the remainder of the term in accordance with paragraph C. above. Notwithstanding the above procedure, removal of a Planning Commissioner shall be governed by the procedures in ORS [227.030](#) and removal of any member of the Recreation Commission or the Planning Commission is not subject to this section. Hearings under ORS [227.030](#) are hereby delegated by the governing body to the City Manager or Hearings Officer in accordance with the AMC [2.30](#), the Uniform Administrative Appeals Ordinance.

G. *Changing or Dissolving a Regular Commission, Committee or Board.* After any Regular commission, board or other advisory body has been formed and codified, any change or dissolution requires an ordinance amending the Municipal Code. (Ord. 3192, amended, 11/17/2020; Ord. 3100, amended, 2014; Ord. 3002, amended, 02/18/2010; Ord. 2947, amended, 12/18/2007)

## 2.04.100 Council Liaisons to City Advisory Boards and Commissions

A. *Role and Responsibilities of Council Liaisons.*

1. The primary role of a Council Liaison is to facilitate communication between the City advisory body and the Council. A Council Liaison shall be an ex officio nonvoting member of the advisory body, not a regular voting member, and shall not serve as Chair, unless the Mayor specifically proposes, and Council approves, the appointment of the Council Liaison to act in a voting capacity and/or as the Chair to City advisory boards and/or ad-hoc committees, or unless the Ashland Municipal Code specifically requires the Liaison to serve as



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Chair or in a voting capacity. Notwithstanding the above, the Council Liaison to the Planning Commission shall be considered a nonmember Liaison and not an ex officio member as regards quasi-judicial matters.

2. City Councilors serve as liaisons to the City's regular and ad hoc advisory bodies and are expected to represent the full City Council objectively and accurately in interacting with such entities.

3. City Councilors may attend meetings of the City's regular and ad hoc advisory bodies as citizens of Ashland. When attending as a citizen, Council members must identify their comments as personal views or opinions and not as a representation of City Council policy.

B. *Attendance.* Liaisons should attend regular meetings of the regular and ad hoc advisory bodies to which they have been assigned as time permits and should make special efforts to attend meetings in response to specific requests to participate in discussions on topics the Council may need to be aware of or provide input on. In the event a Council Liaison has difficulty attending, the Liaison should find an alternate to attend or review the video or other record of the proceeding. In the event of a continuing scheduling conflict, the Liaison should ask the Mayor to be reassigned. Liaisons shall not attend quasi-judicial proceedings when the final appeal or final decision is to or could come before the City Council.

C. *Deliberations.* The City Council values diversity of opinion. A significant role of an advisory body is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Accordingly, Council Liaisons to City advisory bodies should not attempt to direct debate, lobby, or otherwise influence the direction or decisions of any advisory bodies to which they have been assigned. Council Liaisons are encouraged to field and answer questions as appropriate for an ex officio member of the advisory body. Undue influence over the decisions of any City advisory body shall be grounds for removal of a Liaison assignment as set forth in subsection [H](#) of this section.

D. *Respect for Presiding Officer.* City Councilors attending advisory body meetings as Liaisons shall accord the same respect toward the Chair and other members as they do towards the Mayor, the presiding officer or each other.

E. *Council Information.* City Councilors will inform the advisory bodies to which they have been appointed Liaison about Council agenda items and Council decisions that may be of interest to the advisory body. Liaisons shall also encourage advisory board members to attend Council meetings to keep abreast of Council action, policy matters and the activities of the City.

F. *Advice on Filling Vacancies.* The Council Liaison for each advisory body, together with the advisory body chair and assigned staff liaison, will make recommendations to the Mayor for appointment of citizens to fill vacancies on their respective advisory bodies.

G. *Liaison Appointment Process and Term.* The Mayor will appoint Councilors to act as Council Liaisons to each and every regular advisory commission or board. Councilors interested in a particular subject area should inform the Mayor of their interest, and the Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions. Liaison appointments shall be for a term of one year unless otherwise expressly stated. Appointments are generally made on an annual basis in January, and the Mayor shall



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make an effort to rotate Liaison assignments if there is more than one Councilor expressing a preference for a specific appointment.

H. *Removal from a Liaison Assignment.* The Mayor or a Councilor may be removed for any reason from a specific Liaison assignment upon a two-thirds vote of the entire Council. (Ord. 3180 § 1, amended, 08/20/2019; Ord. 3100, amended, 2014; Ord. 3002, amended, 02/18/2010)

## **2.04.110 Council Representatives to State, Regional, Community and other External Organizations**

A. *Role and Responsibilities of Council Representatives.*

1. City Councilors may be appointed, either by the City or by another entity, to serve as the City of Ashland's Representative to State, Regional, and Community organizations. In all cases, the City's Representatives will follow the bylaws and guidelines for service of the organization to which they have been appointed.
2. The purposes of serving as an official Representative to State, Regional, Community, and other external organizations are to ensure effective working relationships with other agencies and organizations, ensure that Ashland uses all possible avenues to achieve community goals; achieve City Council goals both within the community and in the Rogue Valley; protect the home rule authority of the City of Ashland to make decisions that are best for the community; ensure that key City revenue streams are protected; and secure federal and state funds for projects that benefit the City of Ashland and other community institutions.
3. In their work as City Representatives, City Councilors are expected to represent the full City Council accurately and objectively and to depict the position of other Councilors accurately and objectively. If the Council has an approved position on a matter under discussion, the Representative shall articulate and, if called upon, vote in favor of that position. If the City Representative is asked to take an official position on an issue that affects the City of Ashland and the City's official position is unknown or unclear, the City Representative should request that the item be placed on a City Council agenda in accordance with AMC [2.04.030](#) for full City Council action. If the Council has not approved an official position and has not had the opportunity to confer with the City Representative on a matter under deliberation in the subject external organization, the Representative shall make a good-faith effort to reflect what the Representative believes the full Council's position would be if the Council were to consider the matter, regardless of the Representative's personal views, and shall report to the Council on the matter discussed in the external organization at the next feasible opportunity thereafter. Conduct contrary to the guidelines in this subsection is grounds for removal under paragraph E.
4. City Representatives serving as voting members on another organization's Board of Directors (such as the Rogue Valley Council of Governments) should work in the best interest of that organization unless such action would not be in the best interest of the City of Ashland.



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5. If the City Representative has an actual or potential personal conflict of interest, as defined in Oregon Ethics Law, the Representative must fully comply with the applicable requirements of Oregon Ethics Law and City ethics ordinances.

6. City Council members may attend meetings of state, regional, and community organizations as citizens of Ashland. When attending as a citizen, Council members must identify their comments as personal views or opinions not a representation of City Council policy.

B. *Attendance.* Representatives should attend all regular meetings of the organizations to which they have assigned. In the event a Councilor has difficulty attending, the Representative should find an alternate to attend on the City's behalf. In the event of a continuing scheduling conflict, the City Representative should ask the Mayor to be reassigned.

C. *Reporting to the Council.* Council Representatives shall periodically report to the entire Council on significant and important decisions activities of each state, regional, and community organizations to which they have been assigned. Council members may also request that representatives of these organizations may be invited to give a short annual presentation to the Council.

D. *City Representative Appointment Process and Term.*

1. The Mayor will appoint a Councilor to represent the City to state, regional, and community organizations to which the City is entitled to an official delegate. The City Council shall confirm these appointments.

2. The Mayor and City Councilors may also be invited by external organizations to represent either the City of Ashland or "Cities" in general. In these cases, the Mayor or Councilor that has been asked to serve will inform the City Council in a Regular Meeting of the assignment and request that the City Council confirm the appointment.

3. Councilors interested in a particular subject area should inform the Mayor of their interest and the Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions. City Representative appointments shall be for a term of one year unless otherwise expressly stated. Appointments are generally made on an annual basis in January and the Mayor shall make an effort to rotate liaison assignments if there is more than one Councilor expressing a preference for a specific appointment.

E. *Removal from a Representative Assignment.* The Mayor or a Councilor may be removed for any reason from a specific representative position or assignment upon two-thirds vote of the entire Council. (Ord. 3100, amended, 2014; Ord. 3002, amended, 02/18/2010; Ord. 2947, amended, 12/18/2007)

## 2.04.115 Representations

A Council member is free to express personal views on any issue in any forum as long as any statements he or she makes about the positions of the full City Council and the positions of other individual Council members are



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accurate and objective. Upon two-thirds vote of the entire Council, a Council member may be censured for noncompliance with this requirement. (Ord. 3100, amended, 2014)

## 2.04.120 Councilor Expense

The City will reimburse a Councilor or the Mayor for expenses that are directly related to City business in accordance with the City's reimbursement policy. Councilors are required to submit all statements as required by ORS [244](#). (Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

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**The Ashland Municipal Code is current through Ordinance 3203, passed November 2, 2021.**

Disclaimer: The City Recorder's office has the official version of the Ashland Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

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## AMC 2.10 Uniform Policies and Operating Procedures for Advisory Commissions and Boards (Ashland Municipal Code)

**2.10.005 PURPOSE** Advisory committees require uniform rules, policies and operating procedures to ensure maximum productivity and fairness for members and the public. These policies and procedures are applicable to and govern all City Council, standing advisory committees and ad hoc, task force, joint committees, and other type committees that the Council might create. The formation and functions of the Planning Commission, Municipal Audit Commission, and Budget Committee, and the Ashland Parks and Recreation Commission (APRC) (together referred to as “Commissions”) are governed by state law or Charter, and while they are subject to specific rules and procedures in their relative authorizing legislation, these rules outlined in this ordinance are suggested for their operation where possible, except as to AMC 2.10.030 - .035, and AMC 2.10.060 - .065, which are mandatory.

**2.10.010 ESTABLISHMENT** Advisory committees (or commissions if so named and not otherwise referenced in this ordinance) are established to serve solely as advisory bodies whose actions or recommendations shall not be considered as City policy or as final decisions of the City. They have no executive, administrative, civil rights investigatory or enforcement authority. Committees are divided into:

- Standing Advisory Committees: Ongoing committees with long-term responsibilities;
- Advisory Committees include ad hoc, task force, joint committees, and other type committees that are formed according to immediate or temporary need; and
- Advisory Committees: Committees formed to provide advice to City Management on specific administrative functions and are regulated separately from this ordinance.

### 2.10.015 APPOINTMENT AND TERMS

#### A. Appointment of Members:

1. Members of any type advisory committee will be appointed by the Mayor with the consent of the City Council.
2. Voting and alternate standing advisory committee members will be comprised of individuals who reside within the City, except one (1) member from each advisory committee may be an at-large member living within the City’s urban growth boundary.
  - (a) Unless otherwise provided, all nonvoting ex-officio members are not required to be residents within the City or the urban growth boundary.
3. Each committee may include members under 18 years of age, but no more than two (2) members under 18 may serve on the committee at the same time.
4. No individual may serve as a voting member on more than two (2) Standing Committees simultaneously.
5. Members of any committee serve as individuals exercising their own best judgment, not as delegates for their respective organizations.



## AMC 2.10 Uniform Policies and Operating Procedures for Advisory Commissions and Boards (Ashland Municipal Code)

### **B. Term Limits:**

1. The term for the Chair or Co-Chair of a Standing Advisory Committee shall be one (1) year. A Chair or Co-Chair may serve multiple terms, but no more than two (2) consecutive terms as either Chair or Co-Chair in their respective role.
2. Standing Advisory Committee members may serve no longer than eight (8) years in total on any single committee. After serving the maximum term, a member must step down and may not be reappointed to the same committee for at least two (2) years. If the member wishes to serve on a different committee, no break is required.
3. Transition terms for Standing Advisory Committee members shall commence on January 1, to align with the calendar year.

**C. Age Requirement:** Members under 18 may serve on any committee, but they are not eligible to vote or be counted towards the quorum until reaching the age of 18.

**D. Non-Voting Members Council liaisons,** and ex-officio members of any advisory committees shall serve as non-voting members and shall not be counted toward the quorum.

**E. Staggered Terms and Vacancies:** When new members are appointed to fill vacancies or staggered terms, the initial term length may vary to ensure that no more than one-third of committee members' terms expire in the same year.

### **2.10.020 MEETINGS AND ATTENDANCE**

**A.** Advisory committees will follow meeting and attendance rules consistent with AMC 2.10, including attendance requirements of at least 75% of meetings. Members should provide at least 48-hour notice for planned absences.

**B.** A quorum consists of more than half of the total number of current Council-confirmed voting members but no fewer than three members. Members may attend open public meetings via electronic communication means, provided public meeting law requirements are met.

**C.** The Planning Commission, Budget Committee, Municipal Audit Commission and AP&RC shall set their own meeting attendance requirements.



## AMC 2.10 Uniform Policies and Operating Procedures for Advisory Commissions and Boards (Ashland Municipal Code)

**2.10.025 REMOVAL AND VACANCIES** Members may be removed and vacancies filled as provided in above section, 2.10.015(E), and AMC 2.04.090(C) and (F).

**2.10.030 PUBLIC MEETING LAW** All meetings are subject to the public meeting laws of the State of Oregon. Notice must be provided at least 36 hours in advance, except in emergencies.

**2.10.035 ROLE OF STAFF** The City Manager will assign City staff to support the work of the advisory committees and provide at least an annual orientation or training session. Staff liaisons provide professional guidance, continuity and insight into City policy, and they attend all regular and special meetings and workshops.

Staff time usage must be directly related to supporting the committee's work as defined by the Council/ APRC approved scope and objectives of the committee. Committees have flexibility in their work within these defined objectives. However, the committee may not direct staff to undertake work outside of this scope without prior concurrence from the committee's assigned Council/ APRC liaison and the Mayor/ APRC Chair. If a committee seeks to assign additional work to staff beyond its established purpose, the committee must first secure the agreement of the Council/ APRC liaison and confirm that the additional staff work will not exceed two (2) hours, including policy research and document drafting. Any request for additional work beyond this limit must be approved by the full Council.

**2.10.040 COUNCIL LIAISON** Council liaisons will be appointed to each advisory committee as non-voting ex-officio members.

**2.10.045 AGENDAS AND MINUTES** The chair or staff liaison is responsible for preparing agendas and minutes. Staff liaisons will be responsible for posting meeting agendas, minutes, and other relevant business or information to the City website to ensure accessibility and transparency for the public.

**2.10.050 GOALS AND REPORTS** Standing advisory committees will establish annual goals and action items with feedback from the City Council. These goals and action items should align with the City's strategic priorities and be reviewed periodically to ensure progress and relevance. Committees must submit annual reports on their activities and accomplishments to the City Council.

**2.10.055 QUORUM AND VOTING** A quorum is necessary for adopting any motion.



## AMC 2.10 Uniform Policies and Operating Procedures for Advisory Commissions and Boards (Ashland Municipal Code)

**2.10.060 CODE OF ETHICS** All advisory committee and Commission members must adhere to the highest ethical standards, serving the community as a whole and operating in the public interest.

**2.10.065 DIVERSITY, EQUITY AND INCLUSION** Efforts will be made to ensure diverse representation within all committees and Commissions. Information on vacancies and the application process will be readily available to all residents.

**2.10.070 RULES AND REGULATIONS** Any advisory committee may adopt additional rules and regulations consistent with City policies as necessary to fulfill their purpose and responsibilities. Any such rules and regulations must be approved by the City Council or City Manager to ensure alignment with the standardized procedures established in this chapter.

1. Failure to strictly comply with the rules on meeting procedure shall not be a cause to void or otherwise disturb a decision or action. The body will strive to be clear in its proceedings.

**2.10.075 CONSULTATION AND COORDINATION** Advisory committees may consult with other city advisory committees on matters of mutual interest. Chairpersons are responsible for coordinating activities between committees.

**2.10.080 LOBBYING AND REPRESENTING THE CITY** Members of any advisory committee or Commission are prohibited from engaging in political activity in their capacity as members of their respective body, in accordance with ORS 260.432, which governs public employees. This includes advocating for or against ballot measures, candidates or political campaigns using City resources or while acting in an official capacity on behalf of the committee.

Members must secure permission from the body before speaking publicly on behalf of the body or presenting any official position of the body to external audiences. This restriction does not prevent members from speaking as private individuals, provided they do not imply that they are representing the body or the City in such communications.

**2.10.085 TESTIMONY** Advisory committees may request voluntary testimony but may not compel an individual or organization to appear before it or respond to questions.



## AMC 2.10 Uniform Policies and Operating Procedures for Advisory Commissions and Boards (Ashland Municipal Code)

**2.10.090 MEMBER RESPONSIBILITIES** Advisory committee members shall serve as individuals exercising their own best judgment and not as delegates for their respective organizations or groups. Committees and their members are not official representatives of the City and may not present their committees' recommendations or their personal opinions or points of view as representative of the City's policy or operational perspectives. Prior to speaking publicly on behalf of their respective advisory committee, members must secure the permission of their committee to represent the activities or recommendations of their committee.

### **SECTION 2. ADOPTION OF AMENDMENTS**

The City Attorney is directed to update the Ashland Municipal Code to reflect the establishment of these advisory committees and their procedures.

### **SECTION 3. CODIFICATION**

Provisions of this Ordinance shall be incorporated in the City Code, and the word, "ordinance" may be changed to "code," "article," "section" or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any Whereas clauses and boilerplate provisions (i.e., Sections [No(s.)] need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

**The Ashland Municipal Code is current through Ordinance 3244, passed December 3, 2024.**

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## SECTION 5

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# Ethics & Conflicts of Interest

Ashland Municipal Code 3.08.020, Code of Ethics



*Better Together*

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# AMC 3.08.020 Code of Ethics

(Ashland Municipal Code)

## 3.08.020 Code of Ethics

A. *Declaration of Policy.* The proper operation of democratic government requires that public officials, including elected officials, appointed officials and employees, be independent, impartial and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a Code of Ethics applicable to all public officials, whether paid or unpaid, including members of regular or ad hoc boards, commissions, or committees filled by appointment by the Mayor or members of the City Council.

The purpose of this Code of Ethics is to establish ethical standards of conduct for all public officials by setting forth those acts or actions that are incompatible with the best interests of the City of Ashland. It is also the purpose of this Code to assist public officials in determining the proper course of action when faced with uncertainty regarding the propriety of a contemplated action, thereby preventing them from unwittingly entangling public and private interests. Through adoption of this Code the City hereby expresses its intent to maintain high ethical standards in the City service, and to increase public confidence in the integrity of City public officials. The provisions of ORS Chapter [244](#) ("Government Ethics Law") as it currently exists or may from time to time be amended are incorporated by reference herein. A violation of any provision of ORS Chapter [244](#) shall be considered a violation of this Code of Ethics.

B. *Responsibilities of Public Office.* Public officials are agents of public purpose and are engaged for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of this State and to carry out impartially the laws of the nation, state and the City, and thus to foster respect for all government. They are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

C. *Dedicated Service.* All public officials of the City should work to support the political objectives expressed by the electorate and the programs developed to attain those objectives. Appointive Officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.

Public officials should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials unless prohibited from so doing by law or by officially recognized confidentiality of their work.

D. *Fair and Equal Treatment.*

1. *Interest in Appointments.* Canvassing of members of the Council or Mayor, directly or indirectly, in order to obtain preferential consideration in connection with any appointment to the City service shall disqualify the candidate for appointment except with reference to unpaid positions filled by appointment by the Mayor or Council.



# AMC 3.08.020 Code of Ethics

(Ashland Municipal Code)

2. *Use of Public Property.* No public official shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such employee in the conduct of official business or as a specifically defined benefit in compensation of employment.
  3. *Obligations to Citizens.* No public official shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen except as otherwise permitted by law or ordinance.
- E. *Conflict of Interest.*
1. *Disclosure.* No public official, whether paid or unpaid, shall take any action in the course of his/her duties, the effect of which potentially or actually would be to the private financial gain or loss of (a) the official, (b) any relative of the official or (c) those with whom the official has a close business relationship, without first disclosing such potential or actual gain or loss to the proper authority. Nor shall any public official, whether paid or unpaid, engage in any business or participate in any proposed or current City transaction, contract, purchase or sale which is potentially incompatible with the proper discharge of that public official's official duties or which would tend to impair independence of judgment or action in the performance of that public official's official duties without first disclosing such potential or actual incompatibility or impairment of independent judgment or action to the proper authority. The requirements for such disclosure by elected and appointed officials and the limits on their participation in discussion, debate, or voting on any issue out of which an actual conflict arises shall be set forth in ORS [244.120\(2\)](#), as it may be amended from time to time and as it is interpreted by the Oregon Government Ethics Commission. For employees, such disclosure shall be made in writing to the employee's immediate supervisor and Department Head. Any employee or appointed official who has a financial or other private interest in a particular matter shall disclose the nature and extent of such interest on the records of the Council before participating in Council discussion on or giving an official opinion to the Council on the matter.
  2. *Transactions with the City.* A public official acting in an official capacity shall not recommend, approve, award, enter into or authorize a City transaction, contract, purchase or sale to which one of the parties is (a) the public official acting in his or her own behalf, (b) a relative of the official or (c) a business entity in which the official or a relative of the official has a substantial or controlling interest.
  3. *Gifts.* No public official shall solicit or accept gifts, favors, services, compensation, retainers or promises of future employment from a source with a legislative or administrative interest in the performance of his/her official duties or in anticipation of official action to be taken by the public official or by the City. For purposes of this provision, "gift" means something of economic value given to a public official, a candidate or a relative or member of the household of the public official. A public official may not accept a gift from a source with a legislative or administrative interest in the public official's official duties if the gift has a value in excess of \$50.00 or smaller gifts from a single source with an aggregate value exceeding \$50.00 in the course of a calendar year. Gifts received by City employees with a value of less than \$50.00 shall, to the extent practical, be shared with other City employees. Public officials may accept gifts with de minimis value, such as caps, coffee mugs, pens and paperweights, and are not expected to share such gifts.



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(Ashland Municipal Code)

4. *Remuneration Contingent on City Action.* No public official shall accept a retainer or compensation that is contingent upon a specific action by the City.

5. *Disclosure of Confidential Information.* No public official shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City that is confidential or not readily available to the public. Nor shall any public official use information that is confidential or not readily available to the public to benefit private interests, including the official's private interests, at the expense of or in conflict with the public interest. Information that is public may not be readily available to the public if a special request is required to obtain the information or if special knowledge, such as that acquired as a public official, is needed to take advantage of the information.

6. *Representing Private Interests before Courts or City Departments or Elected or Appointed Bodies.* No appointed official shall appear on behalf of a client for a fee or pro bono before the board or commission to which that official is appointed. No employee whose salary is paid in whole or in part by the City shall appear on behalf of private interests before any department or elected or appointed body of the City. An employee shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party, unless the employee is representing himself/herself as a private citizen on purely personal business.

7. *Incompatible Employment.* No employee shall engage in or accept employment from or render services for another person or entity when such employment or service is incompatible with the proper discharge of that employee's official duties for the City or would tend to impair independence of judgment or action in the performance of that employee's official duties.

8. *More Restrictive State Law Provisions.* Nothing in this ordinance relieves or excuses public officers and employees from compliance with more restrictive state laws applicable to the particular public position. Planning Commissioners, for example, are subject to more restrictive conflict of interest provisions pursuant to ORS [244.135](#).

F. *Political Activity.* Employee involvement in certain political activities is protected under the First Amendment. However, under Oregon and federal law, there are some restrictions on the political activities of Oregon public employees. City employees are expected to be familiar with and to comply with these laws as they currently exist or as amended.

Oregon law (ORS [260.432\(2\)](#)) requires that: "No public employee shall solicit any money, influence, service or other thing of value or to promote or oppose any political committee or to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views."

The Hatch Act (federal law) further requires that employees whose principal job responsibilities are financed in whole or in part from loans or grants made by the federal government may not use their official influence to interfere with or affect the result of an election or a nomination for office. An employee covered by the Act may not, either directly or indirectly, coerce or advise another employee to contribute anything of value in any form whatsoever to any organization or agency for political purposes.



# AMC 3.08.020 Code of Ethics

(Ashland Municipal Code)

The expression of personal political views while on the job during working hours is permitted only to the extent that such expression does not interfere with the performance of the employee's duties or performance of the duties of other employees. While on the job, during working hours, any comment or suggestion to fellow employees or the public to vote a certain way is prohibited, even if it does not interfere with the performance of duties of the employee or other employees. Politically related activities such as fundraising, soliciting volunteer help on political campaigns or disseminating partisan election material is prohibited while on the job during working hours.

No public official shall promise an appointment to any municipal position as a reward for any political activity.

G. *Applicability of City Code of Ethics and State Ethics Law; Responsibility for Defense.* This City ethics code shall be operative in all instances covered by its provisions except when superseded by an applicable statute, ordinance or resolution which is mandatory or when the application of a statute, ordinance or resolution provision is discretionary but determined to be more appropriate or desirable. Full compliance with the City Code of Ethics and with Oregon's Government Ethics Law is the personal responsibility of each public official. The opinion of the City Manager, the City Attorney, or the Mayor shall not be considered an affirmative defense if a public official is charged by the Oregon Government Ethics Commission with a violation of state Ethics Law. Any public official accused of violating the state Ethics Law shall be solely responsible for the costs of his or her defense before the Oregon Government Ethics Commission. If the charges are dismissed or determined to be unfounded, the City Council, at its sole discretion, may elect to reimburse a public official for some or all of the costs incurred by the official.

1. *Employees.* When an employee has doubt as to the applicability of a provision of this ethics code or the Government Ethics Law to a particular situation, the employee should apply to the City Manager, who is charged with the implementation of the City's ethics code, for an advisory opinion, and be guided by that opinion when given. The employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provision(s) of the ethics code or Government Ethics Law before such advisory decision is made. All such requests for advice shall be treated as confidential. The City Manager may ask the City Attorney to provide an advisory opinion based upon the facts presented, which opinion shall be subject to the attorney-client privilege.

2. *Appointed and Elected Officials.* When an appointed official or an elected official has doubt as to the applicability of a provision of this ethics code or state Ethics Law to a particular situation, he or she may seek an advisory opinion from the City Attorney. If an appointed or elected official requests advice on an ethics question about that official's actions or potential actions, the opinion itself shall be subject to the attorney-client privilege and not be disclosed to the Mayor, Council members, or anyone other than the requesting official without the official's explicit approval.

3. The opinion of the City Manager or the City Attorney shall not be considered an affirmative defense if a public official is charged by the Oregon Government Ethics Commission with a violation of state Ethics Law.

H. *Code of Ethics Definitions.*

1. *Employee.* For the purposes of this section, "employee" shall mean one who is hired and paid a wage or salary to work for the City other than elected or appointed officials.



# AMC 3.08.020 Code of Ethics

(Ashland Municipal Code)

2. Appointed Official. For the purposes of this section, “appointed official” shall mean a person who is appointed to serve on one of the City’s boards or commissions and shall also mean the City Manager and City Attorney.
3. Elected Official. For the purposes of this section, “elected official” shall mean one who is elected by the registered voters of the City of Ashland to serve the City and shall include: the Mayor, the City Councilors, the City recorder, the Municipal Judge and the parks commissioners.
4. Public Official. For purposes of this section, “public official” shall mean any employee, appointed official or elected official.
5. Private Interests. The interests, including but not limited to financial interests, of discrete individuals or entities, as distinct from the interests of the City as a whole or the interests of its citizens in general.
6. *Relative*.
  - a. The spouse and any children, siblings, parents, or spouses of siblings or parents of a public official;
  - b. Any children, siblings, parents, or spouses of siblings or parents of a public official’s spouse;
  - c. Any individual for whom a public official has a legal support obligation; or
  - d. Any individual for whom a public official provides benefits arising from the public official’s public employment or from whom the public official receives benefits arising from that individual’s employment.
- I. *Municipal Court Judge*. Notwithstanding any other provision of this ordinance, the conduct of the Municipal Court Judge, an elected official, shall be governed by the Rules of Judicial Conduct of the Oregon State Bar, including subsequently enacted amended, reordered, or renumbered versions thereof, specifically incorporated herein and made a part hereof by this reference.
- J. *Sanctions*. Violation of any provision of this section, determined after notice and an opportunity to be heard, shall constitute cause for disciplinary action up to and including termination for an employee, or removal from office of an appointed official. Discipline or removal actions shall be in addition to, and not in lieu of, any other City initiated sanction or penalty authorized by AMC Title 1. (Ord. 3192 § 46, amended, 11/17/2020; Ord. 3138, amended, 2017; Ord. 3078, amended, 11/20/2012; Ord. 2943, amended, 10/16/2007)

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**The Ashland Municipal Code is current through Ordinance 3203, passed November 2, 2021.**

Disclaimer: The City Recorder’s office has the official version of the Ashland Municipal Code. Users should contact the City Recorder’s office for ordinances passed subsequent to the ordinance cited above.

City website: [ashlandoregon.gov](http://ashlandoregon.gov)  
City telephone: 541.488.5307

[Code Publishing Company](#)



*Better Together*



## SECTION 6

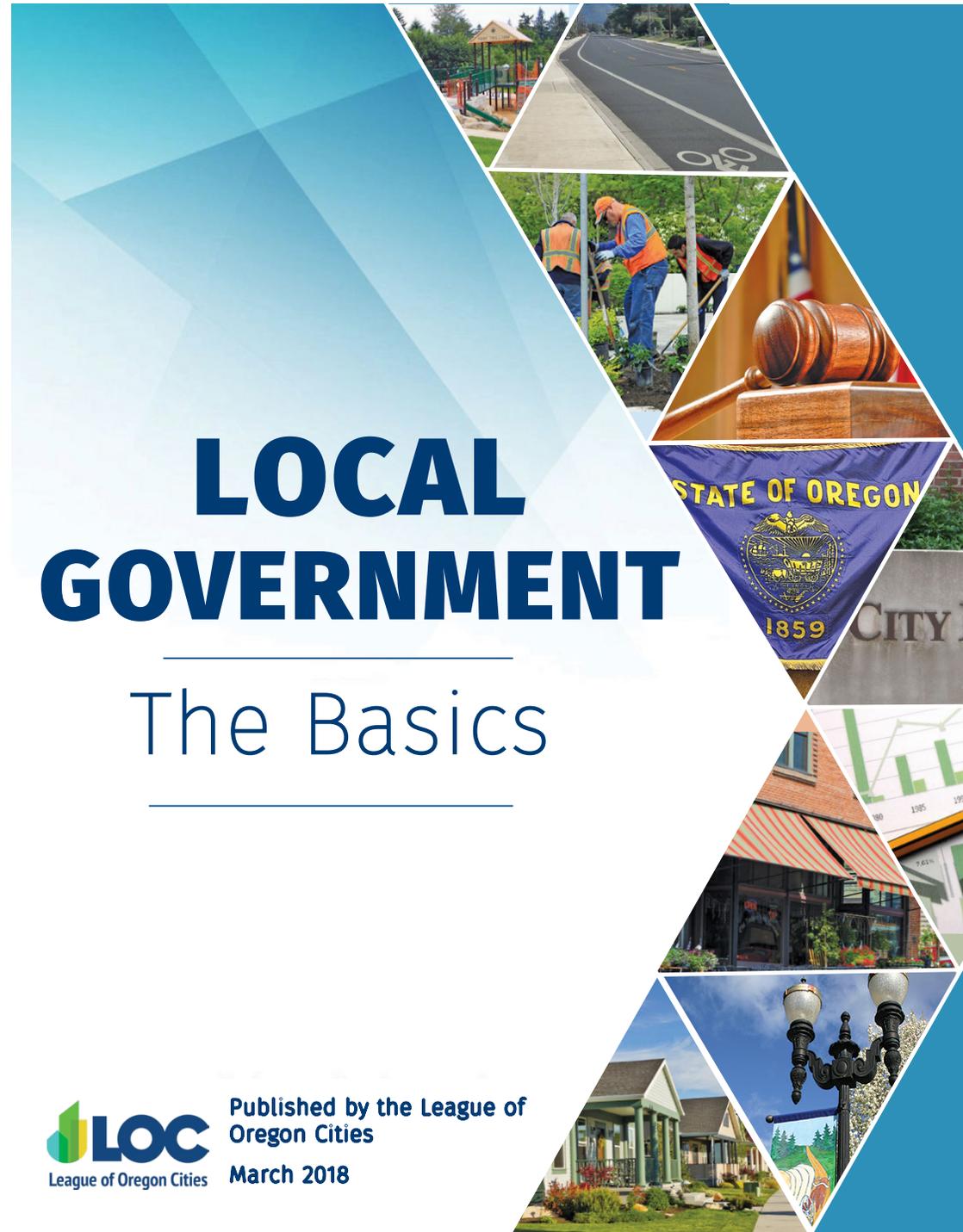
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# League of Oregon Cities—Basics



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*Better Together*

# League of Oregon Cities—Basics

## LOCAL GOVERNMENT BASICS

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# League of Oregon Cities—Basics

HOME RULE

## Fundamentals of Home Rule

The League of Oregon Cities was first established in 1925 to protect against the erosion of local “home rule” by the state Legislature. The League has fought to protect home rule since that time. But what, exactly, is “home rule,” and why does it matter?

In Oregon, home rule forms the legal basis for city governments to act. Home rule is thus an important legal concept with real-world implications for a city’s ability to serve the needs of its citizens. The following article briefly explains the origins of home rule in Oregon, how home rule impacts city government authority, and the continuing fight between city and state government over the scope of local authority.

### CITIES DERIVE THEIR EXISTENCE FROM THE STATES

The United States of America is a “federal republic,” meaning that government authority is divided between the federal government and the states. The United States Constitution grants limited powers to the federal government and reserves the remaining powers to the state governments. But what about local governments, such as cities and counties?

Interestingly, the United States Constitution makes no mention of local governments. Instead, it places all government authority not granted to the federal government with the states. Thus, the courts have uniformly concluded that cities derive their authority and existence from state governments and lack any inherent authority. In fact, the Supreme Court of the United States has stated that cities are simply “convenient agencies”<sup>1</sup> of their states, and that states may abolish or reorganize cities at any time.

### DILLON’S RULE

Under the United States Constitution, cities derive their authority from the states. For that reason, judges and legal scholars took the view that city governments could only act in areas expressly authorized by a state legislature. That principle is often called “Dillon’s Rule,”<sup>2</sup> and is still followed in many states.

1 *Hunter v. City of Pittsburgh*, 207 US 161, 178–79 (1907).

2 Dillon’s Rule is named for John F. Dillon, an Iowa Supreme Court Justice and federal judge. See 1 *John F. Dillon, The Law of Municipal Corporations*, § 9(6), at 93 (2d ed 1873).

### MORE INFORMATION ON HOME RULE

For a more detailed examination of home rule in Oregon, please see “**The Origins, Evolution, and Future of Municipal Home Rule in Oregon**” (June 2017), available at <https://bit.ly/2D0buNX>.

In a Dillon’s Rule state, local governments lack authority to act unless they can show how a state law allows them to take an action, such as levying property taxes, maintaining a fire department, or operating a parks system.

The Dillon’s Rule model allows a state legislature to closely control local government structure, the methods of financing local government activities, local procedures, and local government authority to address local problems.

### DILLON’S RULE IN OREGON

In the late 1800s, the Oregon Supreme Court formally endorsed the Dillon’s Rule model of state-local relations.<sup>3</sup> Under Dillon’s Rule, Oregon’s cities were not able to effectively respond to local problems, as no local action could be undertaken without permission from the state Legislature, which only met for short biennial sessions.

### THE SHIFT TOWARDS HOME RULE

In the early twentieth century, a wave of political populism began to sweep the country. As a part of that political movement, cities and political reformers in Oregon began to push for a “home rule” amendment to the Oregon Constitution.

Frustrated by the special interests that dominated the legislature and by the time it took to address local problems, a group of Oregonians led by William Simon U’Ren sought to amend the Oregon Constitution and vest in the voters the authority over local affairs through the adoption of home rule charters. In U’Ren’s view, such cities would exist independently from the Legislature and would derive their authority from the charter, not from the state.

3 *City of Corvallis v. Carlile*, 10 Or 139 (1882).



# League of Oregon Cities—Basics

## LOCAL GOVERNMENT BASICS

### HOME RULE

In 1906, consistent with a wave of home rule reform sweeping the nation, the voters of Oregon adopted a constitutional amendment that granted the people the right to draft and amend municipal charters. That provision states:

“The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the state of Oregon[.]”<sup>4</sup>

At the same election, the voters of Oregon “reserved” initiative and referendum powers “to the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district.”<sup>5</sup>

Note that the home rule amendments do not use the term “home rule,” nor do they specifically confer substantive lawmaking authority. Rather, the amendments prevent the legislature from enacting or amending municipal charters, and free cities from the burden of seeking approval from the state before amending their charter. What that means, in practice, is that cities—and their voters—now possess substantial lawmaking authority independent of the state, although the precise relationship between cities and the state has evolved over the last 100-plus years, primarily through judicial interpretation of the home rule amendments. One of the most significant aspects of that relationship is the ability of the legislature to preempt certain municipal policy decisions.

### HOME RULE CHARTERS

For a city to become a home rule city, its residents must vote to adopt a home rule charter. By doing so, a community vests all possible legal authority in its city government. A city charter operates much like a state constitution in apportioning authorities to various officials and setting out the system of government for that community, whether it be a commission, mayor-council, council-manager, or strong mayor form of government. Today, all 241 cities in Oregon have home rule charters.

Once adopted, a home rule charter vests in the city the authority to do all things necessary to address matters of local concern without legislative authorization. The League’s

<sup>4</sup> Or Const, Art XI, § 2.  
<sup>5</sup> Or Const, Art IV, § 1(5).

“The legal voters of every city and town are hereby granted power to enact and amend their municipal charter.”

– Oregon Constitution

### HOME RULE INCLUDES THE POWERS TO:

- Regulate for protection of public health, safety, morals & welfare;
- To license;
- To tax; and
- To incur debt.

Home rule is the right to local self-government, without express or implied legislative authorization.

model charter, based on the council-manager form of government, was written to provide a city with as much authority as permitted under the Oregon Constitution.

Oregon is a home rule state, which gives voters the authority to establish their own form of local government and empowers that government to enact substantive policies. Unlike a Dillon’s Rule state, home rule authority allows cities to act as policy innovators and quickly address social problems, especially when faced with inaction from the state and federal government.

### PREEMPTION

The following list highlights some of the areas in which the state has preempted local governments from acting. Please note that the list is not comprehensive. For a comprehensive list of preemptions on local authority, please see the Legal Guide to Oregon’s Statutory Preemptions of Home Rule (November 2017), available at [www.goo.gl/RsyPnn](http://www.goo.gl/RsyPnn).

### Taxing

- Cities may not impose or collect a business license tax from licensed real estate brokers.

*(continued on page 6)*

In a home rule city, the community vests all possible legal authority in its city government.



# League of Oregon Cities—Basics

HOME RULE

## Fundamentals of Home Rule



All **241 cities** in Oregon have home rule charters

- ▶ The state has the exclusive right to tax tobacco products.
- ▶ The state has the exclusive right to tax alcoholic beverages.

### General Governance

- ▶ Cities must hold elections in compliance with Oregon election law.
- ▶ Public officials, including city officials, must comply with the Oregon Ethics Code.
- ▶ City government must comply with Oregon's public records and meetings law.

### Land Use

- ▶ Cities are required to comply with statewide land use and development goals.
- ▶ Cities may not prohibit certain types of housing.

### Personnel

- ▶ Cities must offer PERS coverage to police and firefighters.
- ▶ State minimum wage laws preempt contrary city ordinances or charter provisions.
- ▶ State sick leave requirements preempt contrary city ordinances or charter provisions.
- ▶ State law restricts the use of credit score reports for hiring purposes.

### Regulatory Authority

- ▶ State preemption of regulations on vending machines that dispense tobacco or e-cigarette systems.

## ONLINE RESOURCES

### LOC-TV: HOME RULE

Learn more about home rule in Oregon by viewing the free LOC-TV episode on the League's YouTube channel: <https://bit.ly/343uya4>. The episode provides a comprehensive overview of home rule topics including:



- Where do local governments get their legal authority?
  - What is home rule and where does it come from?
  - What is preemption and the legal standard by which we evaluate whether legislation is preemptive?
- 
- ▶ State preemption of local laws concerning various liquor uses and consumption.
  - ▶ State building code preempts local ordinances.
  - ▶ Preemption of local ordinances that makes a shooting range a nuisance or trespass.
  - ▶ Preemption of local regulations on cell phone use in vehicles. ■



# League of Oregon Cities—Basics

LOCAL GOVERNMENT BASICS

PUBLIC MEETINGS

## Public Meetings: What Every Elected Official Needs to Know

### INTRODUCTION

To ensure that the public is aware of the deliberations and decisions of governing bodies, as well as the information that forms the basis of those decisions, Oregon law contains a policy of open decision-making at the various levels of government.<sup>1</sup>

The key requirements of the Oregon Public Meetings Law (OPML) include:

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

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

Please note that this article is not a substitute for legal advice, nor is it comprehensive. The OPML is quite complicated and public officials are encouraged to speak with their legal counsel for case-by-case advice.

### ENTITIES SUBJECT TO THE PUBLIC MEETINGS LAW

Understanding which entities are subject to the OPML is critical for ensuring compliance with the provisions of the law. In short, the OPML applies to any (1) governing body of a public body, (2) when that governing body holds a meeting for which a quorum is required to make a decision or deliberate toward a decision on any matter. ORS 192.610(5); ORS 192.630(1).

The OPML applies to meetings of a “governing body of a public body.” A public body is the state, any regional

“A quorum may be subject to the public meetings law even if it does not engage in a formal ‘meeting’.”

council, a county, a city, a district, or any other municipal or public corporation. A “public body” also includes a board, department, commission, council, bureau, committee, subcommittee, or advisory group of any of the entities in the previous sentence. If two or more members of any public body have “the authority to make decisions for or recommendations to a public body on public body on policy or administration,” they are a “governing body” for purposes of the OPML.

### MEETINGS SUBJECT TO THE PUBLIC MEETINGS LAW

Not every action that a governing body takes, of course, is subject to the OPML. The law defines a “meeting” as the convening of any of the “governing bodies” subject to the law “for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter.” Thus, the definition of a meeting has three elements: (1) the convening of a governing body; (2) for which a quorum is required; (3) to make a decision or deliberate toward a decision on any matter. The first of those elements was addressed in the previous section.

The term “quorum” is not defined in the OPML. For cities, quorum requirements are often set by charter, bylaws, council rules, or ordinance. A gathering of less than a quorum of a

*(continued on page 8)*

<sup>1</sup> ORS 192.160 establishes Oregon’s policy of open decision-making through public meetings:

“The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.”



# League of Oregon Cities—Basics

PUBLIC MEETINGS

## Public Meetings

An **executive session** is defined as “any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.”

governing body of a public body is not a “meeting” under the OPML.<sup>2</sup>

Finally, staff meetings are typically not covered by the OPML, as they are usually held without a quorum requirement. A staff meeting called by a single official is not subject to the law because the staff do not make decisions for or recommendations to a “governing body.” Importantly, however, if a quorum of a governing body, such as a five-member commission, meets with staff to deliberate on matters of “policy or administration,” the meeting is within the scope of the OPML.

### REQUIREMENTS OF THE LAW

The last two sections covered which entities are subject to the law, and what meetings of those entities trigger the OPML. This section addresses the substantive requirements of the OPML, including notice, space and location, accessibility, public attendance, control of meetings, voting, and minutes and recordkeeping.

<sup>2</sup> In *Handy v. Lane County*, 274 Or App 644, 664-65 (2015), the Oregon Court of Appeals held that a series of discussions among a quorum of a governing body of a public body, even without a contemporaneous gathering of that quorum—a so-called “serial meeting”—could give rise to a violation of the prohibition set out in ORS 192.630(2). In other words, even in the absence of a formal “meeting” under ORS 192.630(1), a governing body of a public body could violate the OPML through a series of discussions among members of the governing body that added up to a quorum. On review, the Oregon Supreme Court held that the evidence in the case failed to show that a quorum of county commissioners did deliberate towards a decision, meaning there was not violation of the OPML, and thus the court declined to address the “serial meetings” issue raised by the Court of Appeals. See *Handy v. Lane County*, 360 Or 605 (2016). Recently, in *TriMet v. Amalgamated Transit Union Local 757*, 362 Or 484 (2018), the Oregon Supreme Court held that ORS 192.630(2)—which states that a “quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter”—is broader than the requirement in ORS 192.630(1). In other words, a quorum of a governing body may be subject to the public meetings law even if it does not engage in a formal “meeting.”

### Notice

The OPML requires that notice be provided of the time and place of public meetings, including regular, special and emergency meetings as defined in ORS 192.640. For regular meetings, notice must be reasonably calculated to provide actual notice to the persons and the media that have stated in writing that they wish to be notified of every meeting. Special notice requirements apply to executive sessions.

### Space, Location, and Accessibility

For any meeting, the public body should consider the probable public attendance and should meet where there is sufficient room to accommodate that attendance. In the event of an unexpectedly high turnout, the public body should do its best to accommodate the greater number of people.

#### ► Geographic Location

The OPML states that meetings of a governing body of a public body must be held within the geographic boundaries of the area over which the public body has jurisdiction, at its administrative headquarters, or at “the other nearest practical location.” In the case of an actual emergency necessitating immediate action, however, a governing body may hold an emergency meeting at a different location than one described in ORS 192.630(4).

#### ► Nondiscriminatory Site

Governing bodies are prohibited from holding meetings at any place where discrimination based on race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. A governing body may hold a meeting at a location that is also used by a restricted-membership organization if the use of the location by such an organization is not its primary use.



# League of Oregon Cities—Basics

## LOCAL GOVERNMENT BASICS

## PUBLIC MEETINGS

### ▶ Accessibility to Persons with Disabilities

The OPML imposes two requirements relating to accessibility to persons with disabilities (*see* ORS 192.630(5) (a)). First, meetings subject to the OPML must be held in places accessible to individuals with mobility and other impairments. Second, the public body must make a good-faith effort to provide an interpreter at the request of deaf or hard-of-hearing persons.

### Voting

All official actions by a governing body of a public body must be taken by public vote. The vote of each member must be recorded unless the governing body has 26 or more members. Even then, any member of the governing body may request that the votes of each member be recorded. The governing body may take its vote through a voice vote or through written ballots, but ballots must identify each member voting and the vote must be announced. Secret ballots are prohibited. State law preempts any local charter or ordinance that permits voting through secret ballots.

### Recorded or Written Minutes

The OPML requires that the governing body of a public body provide for sound, video or digital recording, or written minutes, of its public meetings. The record of the meeting—in whatever format—must include at least the following information:

- ▶ The members present;
- ▶ All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- ▶ The results of all votes and, except for governing bodies consisting of more than 25 members unless requested by a member of the governing body, the vote of each member by name;
- ▶ The substance of any discussion on any matter; and
- ▶ Subject to the Oregon Public Records Law, ORS 192.410 to 192.505, a reference to any document discussed at the meeting.<sup>3</sup>

Written minutes need not be a verbatim transcript and sound or video recordings need not contain a full recording of the meeting. Rather, the record must provide “a true reflection of the matters discussed at the meeting and the views of the participants.” The record must be made available to the public “within a reasonable time after the meeting.”

<sup>3</sup> Note that reference to a document in meeting minutes does not change the status of the document under public records law. ORS 192.650(3).

## ONLINE RESOURCES

### LOC-TV: PUBLIC VS. PRIVATE MEETINGS

Do you know what qualifies as a public meeting? Confused about what’s required under Oregon law? This training video answers those questions and others to help you ensure compliance with Oregon public meetings law. <https://bit.ly/37qCFPN>



### LOC-TV: HOW TO DO EXECUTIVE SESSIONS RIGHT

This LOC-TV episode covers the basic guidelines for holding private meetings as a public body, known as executive sessions. Laws outlining approved topics, notice requirements, media attendance and procedural requirements are discussed, along with consequences and available resources. <https://bit.ly/2s36A0t>

### EXECUTIVE SESSIONS

Governing bodies are permitted to meet in executive (closed) sessions in certain circumstances (*see* ORS 192.660). An “executive session” is defined as “any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.”

Executive sessions are not the same thing as meetings that are exempt from the OPML. Indeed, an executive session is a type of public meeting and must conform to all applicable provisions of the OPML. Importantly, the authority to go into executive session does not relieve a governing body of its duty to comply with other requirements of the OPML.

### Permissible Purposes

A governing body is permitted to hold an open meeting even when the law permits it to hold an executive session, but a governing body may only hold an executive session in certain

*(continued on page 10)*



# League of Oregon Cities—Basics

PUBLIC MEETINGS

## Public Meetings

circumstances. ORS 192.660 lists the circumstances in which a governing body may hold an executive session. Those purposes include:

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

### Final Decision Prohibition

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

### Method of Convening an Executive Session

A governing body is permitted to hold a public meeting consisting of only an executive session. The notice requirements for such a meeting are the same as those for any other meeting (*see* ORS 192.640). In addition, the notice must cite to the statutory authority for the executive session.

Alternatively, an executive session may be called during a regular, special, or emergency meeting for which notice has already been given in accordance with ORS 192.640. The person presiding over the meeting must announce the statutory authority for the executive session before going into the executive session.

### CONCLUSION

The OPML is an important, nuanced law. A single article cannot fully describe all of its provisions or how it applies in various factual circumstances. For more detail on the OPML, please see the Oregon Attorney General’s Public Records and Meetings Manual (2014), available at [www.goo.gl/ikzw5B](http://www.goo.gl/ikzw5B). ■

## ONLINE RESOURCES

### GUIDE TO EXECUTIVE SESSIONS (2017)

A comprehensive review of where, when and how cities may conduct executive sessions, complete with model forms and policies.

Available at: <https://bit.ly/35lvQNG>.



### HANDLING DISRUPTIVE PEOPLE IN PUBLIC MEETINGS (2017)

A legal guide to help cities know their options for dealing with disruptive behavior. The guide covers when the public has a right to speak at public meetings, constitutional speech protections, and issues involved in removing someone from a council meeting.

Available at: <https://bit.ly/2XvVaa>.

### MODEL RULES OF PROCEDURE FOR COUNCIL MEETINGS (2017)

A guide providing cities with a starting point in creating their rules of procedure, where required by the city charter, or where a council so desires.

Available at: <https://bit.ly/2Owbqe7>.

### FAQ ON NOTICE REQUIREMENTS FOR PUBLIC MEETINGS (2017)

Answers to common questions about the notice requirements associated with public meetings.

Available at: <https://bit.ly/2D1Xwv1>.



# League of Oregon Cities—Basics

## LOCAL GOVERNMENT BASICS

## PROPERTY TAXES

# Property Tax Basics

Oregon's current property tax system was shaped by Measures 5 and 50, two constitutional amendments passed in the 1990s. Prior to Measures 5 and 50, Oregon jurisdictions used a levy-based system for assessing property taxes. Put simply, each taxing district (city, county, etc.) imposed the levy in the amount needed to cover the taxing district's budget, which was based on community service demands. County assessors estimated the real market values of all property in the state. The levy for each taxing district was then divided by the total real market value in the district to arrive at a district tax rate. The taxes each district imposed equaled its tax rate, multiplied by its real market value. Generally, levies for each district were constitutionally limited to an annual growth rate of 6 percent, and levies that would increase by more than 6 percent required voter approval. The levy system was dramatically altered with the passage of Measure 5 in 1990.

### MEASURE 5: TAX LIMITS & COMPRESSION

In 1990, Oregon's voters amended the state constitution by approving Ballot Measure 5, which set limits on the amount of tax that a taxing jurisdiction can impose on the real market value (RMV) of property. For example, education districts could levy no more than \$5 per \$1,000 of RMV, and general government districts (including cities and counties) could levy no more than \$10 per \$1,000 of RMV. The caps apply only to operating tax levies, not bonds. If property tax rates exceed the limits, the taxes must be reduced until they meet the limits imposed by Measure 5. Reducing the property tax rate to meet Measure 5 limits is commonly called "compression," and results in millions of dollars of lost revenue for taxing districts every year.

### MEASURE 50: PERMANENT RATES, ASSESSED VALUE & GROWTH LIMITS

In 1997, the voters of Oregon again decided to profoundly alter the property tax system by approving the passage of Ballot Measure 50.

First, Measure 50 imposed a permanent operating tax rate limit on all existing taxing districts. The permanent rate for

Reducing the property tax rate to meet Measure 5 limits is commonly called "**compression**," and results in millions of dollars of lost revenue for taxing districts every year.

each taxing district was primarily determined by combining the levies that existed locally when Measure 50 was passed. Neither a taxing district nor the voters can alter Measure 50 permanent rates—they remain at 1997 levels in perpetuity.

Second, Measure 50 also changed the concept of assessed value to which the tax rates are applied. Assessed value is no longer equal to the real market value of a property. Instead, the amount of tax is based on the property's "assessed value" as defined by Measure 50. Measure 50 stated that a property's assessed value is calculated by reducing the property's real market value in the 1995-96 tax year by 10 percent.

That method of calculating assessed value codified inequities between comparable properties. Prior to Measure 50, the real market value of properties within a county was determined across a six-year reappraisal cycle. When Measure 50 passed, some properties had been recently assessed, while other properties had not been assessed for four or five years.

Third, Measure 50 limited the annual growth rate of taxable property to 3 percent of assessed value—well below the average rate of inflation. By setting assessed values at 90 percent of 1995-96 market levels and capping the annual rate of growth, Measure 50 permanently codified imbalances in assessed values. As a result, similarly valued properties may pay dramatically different property tax amounts.

For new properties or those that undergo a significant change, such as remodeling, new construction, rezoning or subdivision, the assessed value is determined according to Oregon Revised Statutes 308.149 to 308.166, known as the changed property

*(continued on page 12)*



# League of Oregon Cities—Basics

PROPERTY TAXES

## Property Taxes



Neither a taxing district nor the voters can alter Measure 50 permanent rates – they remain at 1997 levels in perpetuity.

ratio (CPR) statutes. The new assessed value is determined by applying the ratio of the assessed value to the market value of all existing property within the same class (residential, commercial, etc.) in either the city or the county to the improved or changed property. In most of the state, CPR is calculated on a county-wide basis. In Multnomah County, cities can elect to calculate CPR on a city-wide basis, provided the city passes an ordinance or resolution as required by law.

### THE IMPACTS OF MEASURES 5 & 50

Measures 5 and 50 have caused significant revenue challenges for taxing authorities in Oregon. Following the passage of Measure 50, statewide property tax revenue immediately fell by \$51.4 million, due to the changing of the property tax system to one based on assessed values rather than one based on market values. Since 1997, inflation has regularly exceeded the 3 percent limit set out in Measure 50, particularly for city expenses like employee healthcare and pension costs. Thus, cities have seen a growing disparity between property tax revenue relative to costs, even as property values continue to rise.

For a more detailed look at the effects of Measure 5 and 50 over time, please see the League's Primer on Measures 5 and 50, available here: [www.goo.gl/ykuFiw](http://www.goo.gl/ykuFiw).

### THE EFFECTS OF COMPRESSION

To determine a property's tax obligation each year, a county assessor must determine the property's assessed value (as required by Measure 50) and the property's real market value

## ONLINE RESOURCES

### CITY PROPERTY TAX REPORT (2016)



Statistical information regarding property taxes for cities, counties, school districts and special districts. The report includes data on tax revenues received, assessed and real market values, city tax rates, compression losses and property tax exemptions.

Available at: <https://bit.ly/2QBqGr>.

(as required by Measure 5). When a property's assessed taxes exceed the Measure 5 limits, the tax obligation is compressed to the Measure 5 limits. The difference between the assessed value and the compressed limit is forever lost to the taxing district—typically, millions of dollars every year across the state. In fiscal year 2016-17, for example, more than 65 percent of Oregon's cities were negatively affected by compression, representing \$31.4 million in lost property tax revenue.

The League continues to seek reforms to Oregon's property tax system that is fair for property owners, effective for cities, and does not inhibit economic growth. ■



# League of Oregon Cities—Basics

## LOCAL GOVERNMENT BASICS

## PUBLIC RECORDS

# Five Things to Know About Public Records

### 1. WHAT ARE PUBLIC RECORDS?

State law defines a public record as: “[A]ny writing that contains information relating to the conduct of the public’s business \*\*\* prepared, owned, used or retained by a public body regardless of physical form or characteristics.”<sup>1</sup> The term “writing” is defined broadly and includes any “handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings.” When determining whether a record is public, the question is whether the record relates to the business of the public, not the format of the record. This often means that emails, text messages and social media posts—even those created, delivered and stored on a personal device—could be considered a public record. If a record has a relationship to a city’s business, then it’s a public record.

### 2. DUTIES OF A CITY

Cities have the duty to make available a written procedure for making public records requests. The procedure must include the name of at least one city contact to whom requests may be sent, and the amounts of and manner of calculating fees that the city charges for responding to public records requests.

Once received, a city must acknowledge receipt of the public records request or provide a copy of the requested record within five business days.

Within 10 business days of the date it was required to acknowledge the request, the city must either complete its response to the request, or provide a written statement that it is still processing the request, along with an estimated completion date. These timeframes do not apply if compliance would be impracticable.<sup>2</sup> However, a city must still complete the request as soon as practicable and without unreasonable delay.

### 3. DISCLOSURE OF PUBLIC RECORDS

The public has the right to inspect any public record in a city’s possession. A city may withhold certain public records from disclosure if they are exempt by law. Cities must segregate exempt records from nonexempt records and disclose all non-exempt material. The primary list of public records exemptions may be found under ORS 192.345 and 192.355, though exemptions are scattered throughout both state and federal law. There are two primary types of exemptions: conditional and unconditional. Conditional exemptions—those found in

ORS 192.345—require a city to consider the public’s interest in disclosure. Unconditional exemptions either require their own separate consideration or none at all. Remember, when in doubt, Oregon law favors disclosure.

### 4. FEES FOR RESPONDING TO PUBLIC RECORDS REQUESTS

A city may assess reasonable fees to get reimbursed for the actual costs incurred while responding to a public records request. The city may assess a fee for the time spent by city officials and staff researching the records, providing redactions, and the city attorney’s time spent reviewing the records and redacting exempt materials. If the city wishes to charge a fee greater than \$25, the city must notify the requester in writing of the estimated amount of the fee, and the requester must confirm in writing that it wishes to proceed. The city may request prepayment. If the actual cost incurred by the city is less than the amount paid, the city must promptly refund any overpayment.<sup>3</sup>

### 5. APPEALS AND CONSEQUENCES TO THE CITY

A person who is denied access to a public record may appeal the city’s denial. The appeal may be made to the district attorney in the county in which the city is located, if the denial was by the city. If the district attorney denies any part of a petition, the requester may seek review in the circuit court for the county in which the city is located, or the Marion County Circuit Court. If the denial was made by an elected official, the appeal may be made by petitioning the circuit court for the county in which the elected official is located or the Marion County Circuit Court. If the requester prevails in full, the city is required to compensate the requester for the cost of litigation and trial. If the requester prevails only in part, an award of costs and attorney’s fees is discretionary.

Additional guidance is available on the League’s website and in the Oregon Attorney General’s Public Records and Meetings Manual available online at: <https://goo.gl/PKazDW>.

<sup>1</sup> Generally public records law is covered by ORS 192.

<sup>2</sup> Reasons where compliance would be impracticable include staffing, performance of other necessary services, or the volume of other simultaneous public records requests.

<sup>3</sup> Oregon Attorney General’s Public Records and Meetings Manual (2014), Public Records Chapter, page 17.



# League of Oregon Cities—Basics

BUDGETING

## Budgeting 101

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

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

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

### A CITY'S BUDGET PROCESS

#### Appoint a Budget Officer

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

#### Appoint Electors to the Budget Committee

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

### THE BUDGET PROCESS

1. Appoint a budget officer
2. Appoint electors to the budget committee
3. Budget officer prepares a proposed budget
4. Public notice of budget committee meeting
5. Budget committee meets
6. Budget committee approves the budget
7. Budget summary and notice of budget hearing are published
8. Hold budget hearing
9. Adopt budget, make appropriations, impose taxes, categorize taxes
10. Certify taxes
11. Post-adoption budget changes

Source: *Local Budgeting Manual 150-504-420*, found under *Forms & Publications* at [www.oregon.gov/DOR](http://www.oregon.gov/DOR).

#### Budget Officer Prepares a Proposed Budget

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

Every city budget will have at least one fund—the general fund—which accounts for daily operations. In practice, a



# League of Oregon Cities—Basics

## LOCAL GOVERNMENT BASICS

### BUDGETING

city budget will have a number of funds, each designed to account for a specific purpose. A budget should include enough different types of funds to clearly show what services and programs a local government is providing and how it is paying for expenditures. However, it is advisable to not have too many funds, as this makes the budget harder to read and understand.

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

**General Fund** – records expenditures needed to run the daily operations of the local government.

**Special Revenue Fund** – accounts for money that must be used for a specific purpose.

**Capital Project Fund** – records the money and expenditures used to build or acquire capital facilities, such as land, buildings or infrastructure.

**Debt Service Fund** – records the repayment of general obligation and revenue bonds and other financing obligations.

**Trust and Agency Fund** – accounts for money that is held in trust for a specific purpose as defined in a trust agreement or when the government is acting as a custodian for the benefit of a group.

**Reserve Fund** – functions as a savings account to pay for any service, project, property or equipment that the city can legally perform or acquire in the future.

**Enterprise Fund** – records the resources and expenditures of acquiring, operating and maintaining a self-supporting facility or service—such as a city water or wastewater utility.

Oregon budget law requires that each year a city's budget provides a financial history of each fund. The financial history must include:

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

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

### THE BUDGET MESSAGE

The budget message gives the public and the budget committee information that will help them understand the proposed budget. It is required by statute to contain a brief description of the financial policies reflected in a proposed budget and, in connection with the financial policies, explain the important features of the budget. The budget message must also explain proposed changes from the prior year's budget and any major changes in financial policies.

### Public Notice of the Budget Meeting

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

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

### Budget Committee Meets

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

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

*(continued on page 16)*



# League of Oregon Cities—Basics

BUDGETING

## Budgeting

### Budget Committee Approves the Budget

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

When approving the budget, the budget committee must also approve a property tax rate or the tax amounts that will be submitted to the county assessor. The budget committee should make a motion to approve the property tax so that the action is documented in the committee meeting minutes.

Upon approval of the budget by the budget committee, the budget officer completes the budget column labeled “approved by budget committee,” noting any changes from the original proposed budget.

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

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

### Hold Budget Hearing

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

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

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

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

- Establish or dissolve funds;
- Make appropriations for expenditures;
- Adopt a budget; impose and categorize taxes; and
- Perform all other legal actions pertaining to budgeting and authorizing tax levies.

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

### Certify Taxes

Any property taxes must be certified to the county assessor annually, even if the city adopts a biennium budget. By July 15 of each year, a city must submit two copies of the resolution (or

## ONLINE RESOURCES

### OREGON DEPARTMENT OF REVENUE RESOURCES



#### LOCAL BUDGETING MANUAL

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

Available at <http://goo.gl/gGdnwk>.

#### LOCAL BUDGETING IN OREGON

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

Available at <http://goo.gl/h5ptkS>.

#### LOCAL BUDGET LAW WEBPAGE

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

Available at <http://goo.gl/JCKgSE>.



# League of Oregon Cities—Basics

## LOCAL GOVERNMENT BASICS

### GIFTS

ordinance) to the county tax assessor. In addition, the notice of property tax certification (form LB-50) and successful ballot measures for local option taxes or permanent rate limits must be submitted.

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

#### Post-Adoption Budget Changes

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

## What You Need to Know About Gift Limitations

#### THE BASICS

During a calendar year, a public official, candidate, or relative or member of the household of the public official or candidate may not:

- Solicit or receive
- Directly or indirectly
- Any **gifts** with an aggregate value above **\$50**
- From any single source
- Reasonably known to have a **legislative or administrative interest**.

#### A GIFT IS...

- Something of economic value
- Without cost, at a discount, or as forgiven debt
- Not available to the general public on the same terms.
- Examples:
  - Meals
  - Lodging
  - Event Tickets

#### LEGISLATIVE OR ADMINISTRATIVE INTEREST MEANS...

- Economic interest
- Distinct from that of the public
- In a matter subject to the decision or vote of a public official acting in that capacity.

#### THE FOLLOWING ARE NOT CONSIDERED "GIFTS":

- Gifts from relatives or members of the household
- Unsolicited token of appreciation with a resale value less than \$25
- Publications and subscriptions related to official duties
- Campaign contributions
- Waiver or discount of certain registration expenses or materials at a continuing education event to satisfy a professional licensing requirement
- Entertainment that is incidental to the main purpose of the event
- Received as part of the usual and customary practice of one's private business or employment and unrelated to holding public office
- Offers of lawful benefits to public officials offered by the public entity the public official represents.

#### WHAT TO ASK YOURSELF BEFORE ACCEPTING A GIFT

- **Is it a "gift?"** A gift is something of economic value not offered to others who aren't public officials (relatives or household members) on the same terms and conditions.
- **Exceptions:** Do any of the exceptions apply?
- **Source:** Does the gift giver have a legislative or administrative interest in my decisions or votes?
- **Value:** If so, does the value of the gift, along with any other gift received from that source this calendar year, exceed \$50?

For more information please contact the Oregon Government Ethics Commission – [www.oregon.gov/OGEC](http://www.oregon.gov/OGEC).



# League of Oregon Cities—Basics

CODE ENFORCEMENT



## Successful Code Enforcement Six Tips to Consider

Code enforcement can be a tricky job. Finding the right balance between ensuring a city's codes are properly followed and providing good customer service to a city's constituents is no easy task.

A successful code enforcement officer excels in these six areas:

**1. They know their code.** Successful code enforcement officers are experts on their city's codes. They excel at knowing what the code regulates, and what it does not. The best code enforcement officers can easily point to pertinent sections of their city's code when questioned by superiors and members of the public.

**2. They review their code annually.** Code enforcement officers work with their city's codes perhaps more than any other city employee. It is often the code enforcement officer who finds the code's flaws or the proverbial loophole. Successful code enforcement officers are the ones who annually review their city's code so that, when necessary, appropriate amendments can be submitted to their city council.

**3. They believe in interdepartmental cooperation.** An exemplary code enforcement officer works cooperatively with employees from various city departments. Code enforcement officers regularly stumble upon problem properties that necessitate the involvement of numerous city departments. Knowing which employees in the various departments need to be looped into resolving the problems at a property is a unique skill possessed by successful code enforcement officers.

**4. They engage in successful community outreach.** A good code enforcement officer not only knows her city's code, she also educates property owners and community members about the code's requirements. Code enforcement officers with high rates of success are those who frequent neighborhood association meetings, engage with the chamber of commerce, and have regular contact with key stakeholders in the community. Making sure the community knows the code as well as she does is the mark of a successful code enforcement officer.

**5. They directly engage with citizens who are in violation of the city code.** Notifying property owners that they are in violation of the city's code is never a fun task. While it can be easier to try and deal with code violations via written notices, emails and phone calls, successful code enforcement officers know that sometimes face-to-face contact is the most effective way to remedy a violation. Meeting with a person whose property is in violation of the city code allows the code enforcement officer the opportunity to fully explain the violation, listen to the reasons behind the violation, and engage with the property owner in how to successfully and most expeditiously achieve compliance.

**6. They enforce the city's code consistently and equally.** Successful code enforcement officers are fair code enforcement officers. A fair code enforcement officer is one that enforces the city's code equally against all property owners, regardless of their position in the community or the location of the property. ■



# League of Oregon Cities—Basics

LOCAL GOVERNMENT BASICS

POLITICAL ACTIVITY

## ASK LOC

### Q: Does the state impose restrictions on political campaigning by public employees?

**A** Each election season, the League is asked to

- clarify the restrictions on political campaigning by public employees. ORS 260.432 generally prohibits public employees from using their work time to support or oppose measures, candidates, recalls, petitions or political committees. Furthermore, elected officials cannot direct their employees to engage in political activity.

#### Who is a public employee?

A public employee is any person employed by the state of Oregon, a county, a city or a special district. Examples of public employees include: full-time city employees; part-time city employees; city volunteers that receive no compensation for their service; and appointed board or commission members when they are acting in their official capacity.

Elected officials are not public employees. The statutes prohibiting public employees from supporting or opposing measures, candidates, recalls, petitions and political committees do not apply to elected officials. Elected city mayors, councilpersons and auditors are not public employees.

Contractors are also not public employees. However, contractors cannot be directed to engage in political activity as part of the contractual service they are providing a city.

#### When are public employees "on the job?"

An employee is "on the job" when he or she is performing work for the city in an official capacity, regardless of when and where the work is performed. For example, if a city's parks director is required to attend a chamber of commerce event in her official capacity, the parks director is prohibited from asking event attendees to support a local ballot measure that would raise money for the city to build a new swimming pool.

Some common activities that are always considered to be performed in an official capacity include:

- Posting material to an official city website;
- Drafting or distributing an official city publication;
- Appearing at an event as the city's representative.

#### How does a public employee engage in political campaigning during her personal time when everyone in the community identifies her as a public employee?

Some public employees are in high profile positions that make them regularly known in their communities. And in small communities, public employees are known by all residents as working for the city. In these instances, it can be hard for members of the public to distinguish the times when a public employee is speaking on behalf of the city as opposed to speaking on behalf of him or herself. Similarly, a public employee who wishes to engage in political campaigning during his or her own private time should make it clear to all that he or she is acting in their personal capacity and is not working for or representing the city.

#### Can public employees express their own personal political views while on the job?

Yes. Public employees can express their own personal political views while at work. Employees can display political stickers on their personal vehicles and wear political buttons on their clothing (providing such an action doesn't violate the city's uniform or personnel policies).

Also, cities should note that public employee unions can have designated bulletin boards in city buildings to post information. The content of union bulletin boards is determined through a collective bargaining process and is not subject to ORS 260.432.

#### Conclusion

Understanding and knowing when and how public employees can engage in political campaigning can be confusing. To assist public employees and elected officials in understanding and complying with ORS 260.432 the League has created a document entitled "FAQ about Restrictions on Political Campaigning by Public Employees." If city employees or leaders have questions about ORS 260.432, they are encouraged to consult with their city attorney for additional guidance.



# League of Oregon Cities—Basics

WATER RIGHTS

## Oregon Water Rights Basics

BY RICHARD M. GLICK

Securing a safe and reliable water supply is a priority concern for every Oregon community. Most cities in Oregon operate their own water systems, while others are served by various forms of water districts or contracts with other cities. Municipal and industrial water use constitutes just a fraction of the total amount of water withdrawn from streams or pumped from aquifers in comparison to irrigated agriculture, but efforts to acquire or expand municipal water supplies attract a lot of attention and sometimes controversy. The availability of new water rights is shrinking, while regulatory requirements expand.

Oregon water law, as in other Western states, follows the rule of Prior Appropriation, often described as “first in time is first in right.” Prior to enactment of the state’s water code in 1909, the common law was that whoever first diverts water out of a stream for a beneficial use can prevent later comers from interfering with that use. That is, the prior appropriator has a legal right to withdraw the full amount used under the original claim, even if it means junior appropriators are denied water. There is no sharing of shortages under the Wild West rule of prior appropriation.

### WATER RIGHTS ADMINISTRATIVE PROCESS

New water rights follow a three-step process. First, an application is filed with the Oregon Water Resources Department (OWRD), and the date of the application establishes the priority date. That’s important because the entire water right process can take considerable time to complete. Second, if the OWRD finds that water is available for appropriation, and withdrawal would not “impair or be detrimental to the public interest,” then it issues a permit. The permit allows development of water works and initial use. Third, when construction is complete, the permittee files a Claim of Beneficial Use with OWRD that documents how the water is being used, which may differ from the rate of diversion or volume of water specified in the permit. The OWRD then issues a certificate, which is conclusive evidence of a fully vested water right.

As long as the certificate holder continues to use the water in accordance with the certificate, the right continues in perpetuity. Generally, certificated water rights may be forfeited for five consecutive years of non-use. However, municipal water rights are the exception and cannot be lost for non-use.

### WATER RIGHTS ADMINISTRATIVE PROCESS

1. Application filed with OWRD
2. If water is available, OWRD issues a permit
3. Once construction is complete, a Claim of Beneficial Use is filed with OWRD by the permittee

That’s straightforward enough, what could possibly go wrong? Water rights permitting is a very public process. When the OWRD issues a proposed final order to issue a permit, the public has the right to file a protest, which could set off a trial-like “contested case” hearing process. For example, a protestant may claim that the new appropriation would deprive fish of needed flows or interfere with other water rights. Any dissatisfied party to the contested case is entitled to review by the Oregon Court of Appeals. From there, a party may petition the Oregon Supreme Court, but the court can decline to hear the case.

### WATER RIGHT TRANSFERS

As the water system is developed, sometimes the permit holder finds that a change in permit conditions, such as the point of diversion, is necessary. That can be accomplished through a permit amendment. After the certificate is issued, however, the process is a bit more complicated. In that case, a “transfer” application must be filed, and the test is whether other water right holders may be “injured” by the change. An example is a change in point of diversion higher up in the watershed, which could mean withdrawals of water above someone else’s diversion. Like proposed final orders for permits, proposed transfers are also subject to protest and hearings.



# League of Oregon Cities—Basics

## LOCAL GOVERNMENT BASICS

## WATER RIGHTS

### MUNICIPAL EXTENSIONS OF TIME

The time allowed for full development of municipal water rights has become a contentious issue. Generally, a new permit will include a date to commence and complete construction, usually within the first year. That date can be extended for five years for good cause. The problem is that cities must plan for long-term growth. The goal of most cities is to lock in a supply that will meet anticipated demand decades down the road. A city would then develop a system in increments when it was confident the demand would be there, along with the ratepayers to carry the debt service. This reality has created tension between the legal requirement of prompt development and responsible municipal planning.

For decades, the OWRD had simply issued successive five-year municipal extensions to avoid this problem. That practice was disallowed by the courts in 2004, and in 2005 the Legislature enacted special laws pertaining to municipal water right extensions. Under that statute, new municipal water permits would extend the initial development period to 20 years, with the possibility of additional extensions of time. Following a 2013 court decision, water right permits that have not been fully developed must go through a special process that includes the potential for limits on withdrawals under the permit to protect fish flows.

### ALTERNATIVE APPROACHES TO WATER SUPPLIES

Acquiring new community water supplies is a challenge calling for creative solutions. Most Oregon streams are over-appropriated, meaning that there is no water available for future appropriations. Even where water is available, conditions imposed by the OWRD in new permits to protect fish flows can result in curtailment during a significant part of the year. Also, such water rights would be the junior-most in the stream and subject to senior rights.

An alternative used by some municipalities is to purchase existing water rights from farmers or other cities. Others pay farmers to improve irrigation efficiency, for example to install sprinklers to replace flood irrigation, or pipe to replace open canals. No doubt other innovative approaches to municipal water supply will emerge to meet the challenge.

There is no new water in the world, and competition for this scarce resource will only increase, especially as the effects of climate change are better understood. The League of Oregon Cities, working with other stakeholders, is working hard to ensure that the Legislature and the courts understand the imperative and support public water supplies. ■

*Mr. Glick is a partner with the law firm of Davis Wright Tremaine LLP.*

## Resources for City Officials

The League has a large online library of publications, guides, FAQs and models available to assist public officials in carrying out their duties. All of these are available at [www.orcities.org/resources/reference/reference-library](http://www.orcities.org/resources/reference/reference-library).

- Guide to Executive Sessions
- Guide to Incorporation
- Guide to Local Government Regulation of Firearms in Oregon
- Guide to Local Regulation of Marijuana in Oregon
- Guide to Recruiting a City Administrator
- Guide to Recruiting a City Attorney
- Legal Guide to Collecting Transient Lodging Taxes in Oregon
- Telecommunications Toolkit
- Model Charter for Cities
- Model Department of Revenue Marijuana Tax Collection Agreement
- Model Policy for Public Contracting & Purchasing
- Model Resolution on Trade Promotion, Fact-Finding Missions & Economic Development Activities
- Model Rules of Procedure for Council Meetings
- Legal Guide to Handling Disruptive People in Public Places
- Measures 5 & 50: A Primer
- The Origins, Evolution & Future of Municipal Home Rule in Oregon
- Understanding Oregon's Unfunded Mandate Law
- FAQ on Emergency Procurements
- FAQ on Garrity Warnings
- FAQ on Initiatives & Referendums
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# League of Oregon Cities—Basics

LAND USE

## A City's Role in the Land Use Process

BY EMILY JEROME, DEPUTY CITY ATTORNEY, CITY OF EUGENE

Oregon is known for its strict regulation of land use, with literally hundreds of state statutes and rules on whether, how and when a city may allow land to be developed. State laws also govern how a city must notify and engage its residents when the city is considering a proposed change to its land use regulations, or considering a landowner's application for a land use approval. Complying with these state laws takes time, methodical decision-making and staff expertise.

### STATEWIDE GOALS & CITY PROCEDURES

Oregon's land use laws relate to 19 "Statewide Planning Goals" that address all aspects of land use planning, including: Citizen Involvement (Goal 1), Natural Resources (Goal 5), Economic Development (Goal 9), Housing (Goal 10), Public Facilities (Goal 11), Transportation (Goal 12), and Urbanization (Goal 14). State law requires every city in Oregon to have a state-approved comprehensive plan to implement the Statewide Planning Goals and to serve as a high-level planning document for the city. Each city's comprehensive plan must include local policies and a land use diagram that are implemented through the city's zoning map and land use code.

The zoning map and land use code are a city's primary land use documents. The map assigns a land use zone to every parcel of land inside the city limits. The code sets out development standards for each zone, including requirements and limits for things like building height, property line setbacks, landscaping and parking spaces. The code also lists the land uses allowed in each zone. For each zone, the code specifies which of the allowed uses are permitted "outright" and which require a more intense approval process. To establish an outright permitted use, a landowner needs only to obtain a building permit, processed by city staff to make sure that applicable development standards are met. To obtain city approval of other uses, the landowner must submit the specified land use application (such as a subdivision or conditional use permit) and demonstrate how the development proposal meets criteria set out in the code.

A city's land use code sets out the procedures it uses to consider land use applications. To a great extent, these procedures are prescribed by state law, though city procedures often exceed state requirements. Each review process includes

mailed notices to surrounding property owners and an opportunity for interested persons to provide written testimony. For certain kinds of applications, a public hearing is required. Many city codes include several different procedural paths with varying notice and hearing requirements. For most land use applications, the city's final decision must be made within 120 days of an application's submittal.

### CITY ROLES & DECISION-MAKING

When it comes to land use, city officials play two different roles. Sometimes city officials act like the Legislature, considering the adoption of changes to the land use code that apply city-wide or within an entire zone. This role is referred to as "legislative decision-making." In other cases, city officials act like the judiciary, reviewing a landowner's land use application, holding hearings, considering testimony, and applying code criteria to decide whether the city must approve or deny the proposed development. This is referred to as "quasi-judicial decision-making." There are different rules for city officials, depending upon which role is being played.

When acting in a legislative role, city officials are considering a change in city policy that will be generally applicable. City officials may exercise broad discretion when considering whether to vote for or against the proposed change. In fact, the officials may decide to simply abandon the idea without voting at all. City officials may talk with residents about a legislative proposal and may do their own research about it. They are bound only by the general ethics laws that apply to all city actions.

When considering a land use application in their quasi-judicial role, city officials are bound by additional laws. To ensure a fair process, city officials should not form an unchangeable opinion about an application until they have received all testimony and evidence. Also, city officials should not read or talk about the pending application outside of the formal hearing and review process. If such an "ex parte" communication does occur, the city official should alert the planner so that remedial steps can be taken. The city's decision on a land use application must be based on written findings addressing the application's consistency with the approval criteria from the code, and no other considerations. The applicable criteria are those that were in place at the time the application was submitted. ■



# League of Oregon Cities—Basics



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# City Attorney Authority

Article XIII of the City of Ashland Charter establishes the appointive office for the City Attorney. The Mayor, with Council consent, appoints the City Attorney and removes them from office. The City Attorney duties and responsibilities are set out in ordinance, AMC (Ashland Municipal Code) 2.28.230 through 2.28.270.

At its core, the City Attorney's office or their designee shall prosecute and defend for the City all actions at law or in equity, and all special proceedings for or against the City. To do that in a most practical manner, the City Attorney helps the City achieve its goals by providing sound, timely and economical legal advice and representation to the City's elected officers, departments, employees, Boards and Commissions, including the Ashland Parks and Recreation Commission. The Legal Division prosecutes criminal and City code violation matters before the Municipal Court and other courts and hearings offices of lawful jurisdiction. The Legal Division prepares ordinances, resolutions, contracts and other legal documents and assists in property transactions, employee grievances and disciplinary actions, union negotiations, and land use matters.

The Legal Division is largely reactive in that its work is dictated primarily by initiatives from other departments, the City Council, the Ashland Parks and Recreation Commission or third parties.

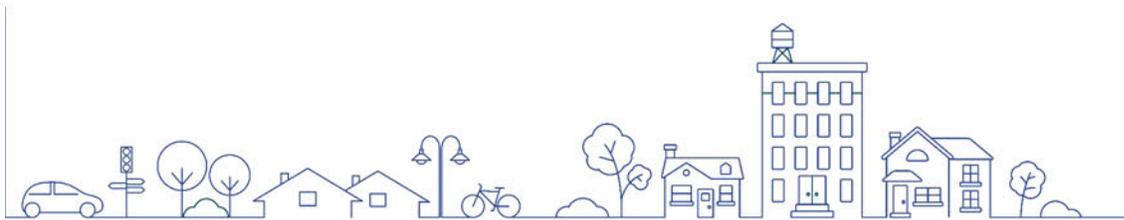


# Roles for All

League of Oregon Cities—Oregon Municipal Handbook

## — Oregon Municipal Handbook —

# CHAPTER 3: MUNICIPAL OFFICIALS



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## Chapter 3: Municipal Officials

### Introduction

Municipal officials have many responsibilities. All officials must have a thorough knowledge of the community, its people, and its problems, as well as an understanding of their individual roles and the issues they will confront. This chapter of the Handbook will provide an overview of the common roles of municipal officials. This chapter is not intended to be a substitute for legal advice. LOC members with additional questions about their role as a municipal official are encouraged to contact their city attorney.

### Roles of Elected Council/Commission Officials

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

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

#### *Policy Role*

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

For the council to be successful in bringing issues forward for discussion and in setting policy, each councilor must have a clear understanding of the policy process and the stages at which council intervention is most effective. The policy process may be viewed as a series of steps or phases:

- Identification of problems and needs;



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- Establishment of community goals;
- Determination of objectives;
- Development and analysis of alternative means for achieving objectives;
- Establishment of priorities;
- Development of programs;
- Implementation of programs;
- Monitoring and evaluation of programs; and
- Feedback.

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

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

## *Administrative Role*

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

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



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The extent in which the city council is involved in administration depends on the size of the city and its form of government. The council is collectively responsible for the oversight of administration in most cities<sup>1</sup>, but the roles that individual city councilors play in city administration vary considerably, depending on the size of the city and its form of government. Some small cities have no full-time employees and as a result, councilors for those cities may be deeply involved in administration. Often small cities rely upon part-time employees or contracted professional services to assist with various issues and volunteers. Somewhat larger cities have full-time employees. Even so, councilors may still perform administrative functions or oversee projects, usually through council committees. As cities grow and the complexity of their operations increase, councils often employ a city manager or a city administrator. Councils in these cities seldom retain any significant involvement in day-to-day supervision of city employees and departments, although the extent to which they may seek to exercise supervision may vary depending on the size of the city the abilities of the councilors, and language in the city’s charter.

## *Quasi-Judicial Power*

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

<sup>1</sup> The city of Beaverton’s form of government has a strong mayor. In a strong mayor form of government, it is the mayor who handles the administrative functions of the city, not the council.

## Three Forms of Government

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

### Council-Manager Form

Most cities with populations above 2,500 have a council-manager form of government. The council retains the decision-making authority of the city, but the charter creates an office of city manager (or administrator). The appointed city manager takes charge of the daily supervision of the city’s operations and serves at the pleasure of the council. The council sets policy and the manager carries it out. This type of form works best when the council exercises its responsibility for policy leadership and respects the manager’s leadership role and responsibility for administration. Council-manager charters commonly include specific provisions that prohibit individual councilors from giving orders to city employees or from attempting to influence or coerce the manager with respect to appointments, purchasing, or other matters.



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## *Communications between Council/Commission and Staff*

Regardless of the size of the city or its form of government, communication between the council and city staff must be made with the recognition of two facts:

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

Misunderstandings may arise when a councilor intends to only ask for information. The employee receiving a direct request from a councilor can easily jump to erroneous conclusions or misinterpret the councilor’s intent. The best way for councilors to get information about administrative matters is to make the request during a regular council meeting or to a specific manager or administrator.

## *Decision Making*

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

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

## Three Forms of Government *continued*

### Mayor-Council Form

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

### Commission Form

Only the City of Portland has a true commission form of government. Voters directly elect the city’s major department heads who collectively function as a city council.



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The city charter specifies the quorum and voting requirements for a decision. A quorum is the minimum number of councilors required to be in attendance to transact business and is usually the majority of the council.<sup>2</sup> City charters may impose different voting requirements for certain actions. For example, a city charter may require approval of two-thirds of the members for passage of ordinances with emergency clauses, or unanimous approval for a combined first and second reading of a non-emergency ordinance.

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

## *Liaison Role*

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

## **Role of Mayors**

The mayor is generally recognized as the civic leader in the eyes of the community. The mayor's authority beyond that will vary from city to city depending on the city's charter and its chosen form of government. In most cities, the mayor presides over council meetings and participates in discussions. Unlike city councilors who are elected, the mayor may be either elected by the people or appointed by the council from among its own members. Many cities have two-year terms for the mayor, even though the councilors serve for four years.

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<sup>2</sup> The Oregon Supreme Court has recently held: 1) A quorum applies to any organized body, even if the body hasn't established its own quorum; and 2) the Oregon Public Meetings Laws applies to "some decision-making of a governing body that does not occur in a 'meeting'." *Tri-County Metropolitan Transportation District of Oregon v. Amalgamated Transit Union Local 757*, 362 Or 484, 412 P3d 162 (2018).



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## *Policy Role*

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

## *Administrative Role*

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

## *Liaison Role*

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

## **Recalls**

The Oregon Constitution provides the public with the power to recall elected officials before the expiration of their terms.<sup>3</sup> However, an elected city official may not be recalled during the first 6 months of their current term.

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<sup>3</sup> Or Const, Art II, §18.



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## *Process and Procedure*

The recall amendment states that every elected public officer is subject to recall by popular vote. This process is initiated by the filing of a recall petition and completed by an election. A petition to recall a public officer must contain signatures equaling at least 15% of the votes cast for governor in the officer's district during the last election. The petition must contain the reasons for the recall and must be filed with the official who accepts nominations for the position, usually the city recorder. The requisite forms needed to file a petition are published online on the Oregon Secretary of State's website.

### File Prospective Petition

First, the prospective petitioner must file a prospective recall petition form, which must be completed and signed by the chief petitioner stating in 200 words or less the reasons for recall and providing their residence address. This form must be submitted to the city's filing officer. Prior to collecting signatures in favor of recall, the chief petitioner must establish a campaign account, and file a statement of organization designating a treasurer with the secretary of state's elections division. After receiving the prospective recall petition, the elections official reviews the forms for required information; date and time stamps the prospective petitioner if the form is complete; and assigns the petition an identification number. The local elections official will either provide the chief petitioner with written notification of required corrections; or provide written approval to circulate the petition that includes the number of required signatures and the last day to submit signatures for verification.

### Gather Signatures

After the prospective petition form is approved, the chief petitioner may then gather signatures. Once the required number of signatures are gathered, the chief petitioner or an authorized agent may submit the signature sheet along with the petition submission form to the local elections official for verification. Only signature sheets from the chief petitioner or an authorized agent will be accepted. The local elections official will either reject the submitted petition sheets that do not comply with the legal requirements or coordinate with the county elections official to verify the signatures. The local elections official will provide in writing to both the chief petitioner and the elected official subject to recall the results of the signature verification; the final number of signatures determined to be valid and either the deadline to submit additional signatures or the deadline for the elected official to resign or submit a statement of justification. After a recall petition is successfully filed, the elected official has 5 days in which to resign.

### *Statement of Justification*

If the elected official subject to recall does not choose to resign, he or she may file a statement of justification form explaining, in 200 words or less, the official's course in office. The statement of justification must contain true factual information and is due within 5 days after the filing



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officer determines the recall petition contains sufficient signatures. The completed statement of justification is printed on the election ballot. A recall election will be scheduled even if the public official fails to submit a statement of justification within the required deadline.

## *Recall Election*

If the public official does not resign, a special recall election is ordered to be held within 35 days. The local elections official coordinates with the county elections official to schedule and conduct the election. If the recall election is successful, the position becomes vacant. Vacancies resulting from a recall are treated the same as vacancies caused by death or resignation. Typically, city charter provisions call for such vacancies to be filled by city council appointment. If the recall election is unsuccessful, the public official remains in office.

A public official may be subjected to only one recall election during a term in office, unless the sponsors of a later recall effort are willing to pay the entire cost of the previous, unsuccessful recall election.

## **Common Appointed Officials**

### *City Manager*<sup>4</sup>

Most Oregon cities have a council-manager form of government. In this form, the city council appoints a qualified professional person as city manager or administrator to take charge of the daily supervision of city affairs. The manager or administrator serves at the pleasure of the council. In theory, the city council sets policy and the city manager carries it out. However, managers may take part in the policy-making process when they make recommendations to the council, and many city charters require them to do so. Managers also set policy when they make decision on specific matters that are not clearly covered by existing ordinances or regulations.

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

Many small cities have established a position of the city administrator instead of a city manager position. This is typically accomplished by ordinance rather than by charter, and occasionally a city sets up such a position merely by budgeting for it. The duties and responsibilities of city

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<sup>4</sup> For additional information on recruiting a city administrator, please see the League's *Guide to Recruiting a City Administrator* (April 2019), available at: <https://www.orcities.org/application/files/7015/7904/8177/Guide-RecruitingCityAdministrator.pdf>. The guidebook includes recruitment techniques, information on interim managements, and steps in the selection process.



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administrators vary. In some cities, they are indistinguishable from those of a city manager. In others, the administrator may share administrative duties with the council or its committees, including hiring and firing department heads.

## *City Attorney*<sup>5</sup>

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

A city attorney, regardless of the employment arrangement, may be called upon to attend all city council meetings, receive and respond to requests for advice from city council and staff, draft and review ordinances and resolutions, prepare and review contracts, and represent the city in litigation. In cities with municipal courts, the city attorney may serve as the municipal prosecutor. The city attorney's ethical obligations are to the city as a whole. The city attorney may not represent individual councilors or staff members. Regardless of the type of legal counsel the city wishes to employ, the city should keep the city attorney apprised of all issues and concerns.

## *City Recorder*

The city recorder plays a number of invaluable roles within the city. While the primary responsibility of the city recorder is to serve as the city's records custodian and elections officer, city recorders also provides routine and complex administrative support to the council, city manager, and department heads. The city recorder's roles are typically outlined in the city charter, and usually include the duty to serve as the city council clerk. Under this role, the recorder prepares meeting agendas, meeting notices, and is responsible for keeping accurate council meeting minutes. As the city's records custodian, the recorder serves as a liaison with the secretary of state's archivist to ensure that the city's records are being maintained in accordance with record retention laws. The recorder also responds to public records requests, performs record certifications, and maintains city records. As the elections officer, the recorder processes petitions, prepares required notices and forms for the city, county clerk, and the public,

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<sup>5</sup> For additional information on recruiting a city attorney, please see the League's *Guide to Recruiting a City Attorney* (July 2017), available at: [https://www.oregocities.org/application/files/9315/7904/8499/GuidetoRecruitingaCity\\_Atorney2-2-19.pdf](https://www.oregocities.org/application/files/9315/7904/8499/GuidetoRecruitingaCity_Atorney2-2-19.pdf). The guidebook includes steps in the selection process for both a contract city attorney and an in-house city attorney.



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and arranges for the placement of measures on the ballot. In the recorder’s role as administrative support, the recorder may be asked to draft correspondence, coordinate events, and administer oaths of office to public officials.

## *Public Safety Officials*

As part of the city’s responsibility to provide for the safety of its citizens, cities may either employ or contract for police and fire protection services.

### Police

The role of local law enforcement officers encompasses a wide range of responsibilities. Some of the functions commonly associated with police forces are crime control and investigation, preservation of the peace, regulation of conduct other than criminal activity such as licensing and inspection, traffic supervision, community relations, and provision of general assistance to the community. Oregon cities are not legally required to provide law enforcement services, and some cities do not. When a city decides to provide police services, state and federal constitutional requirements relating to the rights of individuals become applicable.

Oregon statutes prescribe certain duties and authorities of police officers and establish general requirements such as certification standards. Police officer training is governed by state law, which requires, in part, that all newly hired police officers complete a basic course of instruction.<sup>6</sup> City police departments must send recruits to the Oregon Police Academy for their basic training. The Oregon Department of Public Safety Standards and Training requires officers to attend 16 weeks of basic instruction. Upon graduation, officers are required to participate in a structured field training program. Some city police departments also maintain their own instruction programs.

The time and resources expended on police activities varies with the size and social and economic characteristic of the city. The history of criminal activity and police practices also plays a role in the framework for police services. In some small cities, a single officer may perform few duties other than traffic and parking enforcement, with other police functions provided by the county sheriff or the state police. Many small cities receive police services under contract with the county sheriff. As an alternative, law enforcement personnel and services may be shared by several cities, or by a city and a county. In a large city, the police department may have specialized units dealing with specific police and law enforcement functions such as crime laboratories, information management systems, juvenile programs, and intelligence.

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<sup>6</sup> ORS 181A.490.



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Many cities have police reserves that volunteer to assist police officers in certain activities. Other cities have code enforcement officers who handle activities such as dogs, parking, nuisance abatement, weed control, or other non-criminal actions.

## Fire Protection

Most city fire departments are part of the city government structure. Small cities usually use volunteer firefighters, and medium-sized cities often use a combination of fulltime and volunteer personnel. In large cities, fire departments are staffed by fulltime professionals. Many city residents in Oregon receive their fire protection from Rural Fire Protection Districts (RFPDs). Cooperation, contractual arrangements, and various forms of unification among local government entities are common in Oregon. Mutual-aid agreements among cities and adjacent RFPDs are virtually universal. Arrangements whereby a city provides fire protection services to neighboring RFPDs under contract are also widespread. The reverse is found in several areas – RFPDs sometimes provide service to cities under contract. This arrangement has become increasingly popular with small cities that can be served by large fire districts. Also, the law permits cities to participate in merged and consolidated districts.<sup>7</sup>

The state Board on Public Safety Standards and Training adopts rules and fire personnel certification programs. In addition to personnel certification, the board recommends standards for firefighting equipment and develops criteria for exemption of local jurisdictions from state fire and life safety regulations.

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<sup>7</sup> ORS 198.885 – 198.915.





# SECTION 7

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*Better Together*

# Restrictions on Political Campaigning by Public Employees, Quick Reference to ORS 260.432



## ORS 260.432 Quick Reference— Restrictions on Political Campaigning for Public Employees rev 12/13

Generally, ORS 260.432 states that a public employee\* may not, while on the job during working hours, promote or oppose election petitions, candidates, political committee or ballot measures. Additionally, no person (including elected officials) may require a public employee (at any time) to do so.

\*A “public employee” includes public officials who are not elected, whether they are paid or unpaid (including appointed boards and commissions).

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### As used in this Quick Reference

We use the phrase “advocate(s) a political position” to mean—

promote or oppose an initiative, referendum or recall petition, candidate, political committee or ballot measure.

The term “impartial” means equitable, fair, unbiased and dispassionate.

See the Secretary of State’s detailed manual on ORS 260.432 for specific factors to assist in ensuring impartiality in communications about ballot measures. It is posted on the website under Election Laws, Rules and Publications, Manuals and Tutorials.

For more detailed information about ORS 260.432 and information about other election laws, contact:

Elections Division	phone	503-986-1518
Secretary of State	fax	503-373-7414
255 Capitol St NE, Suite	tty	1-800-735-2900
Salem, OR 97310	web	www.oregonvotes.gov

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### Prohibited Activities

A public employee, while on the job during work hours may not:

- prepare or distribute written material, post website information, transmit emails or make a presentation that advocates a political position
- collect funds, prepare filing forms or correspondence on behalf of candidates or political committees
- produce or distribute a news release or letter announcing an elected official’s candidacy for re-election (except for an elections official doing so as an official duty) or presenting an elected official’s political position
- make outgoing calls to schedule or organize campaign events or other political activity on behalf of an elected official or political committee (however, a scheduler may, as part of official duties, take incoming calls about the official’s availability and add an event to the schedule)
- grant unequal access to public facilities to candidates or political committees
- direct other public employees to participate in political activities, when in the role of a supervisor
- draft, type, format or edit a governing body’s resolution that advocates a political position (except to conform the resolution to a standard format)
- prepare or give recommendations to the governing body urging which way to vote on such a resolution
- sign such a resolution, except if the signature is only ministerial and clearly included to attest the board took the vote
- announce the governing body’s position on such a resolution to the media
- include the governing body’s position or vote on such a resolution in a jurisdiction’s newsletter or other publication

A public employee who provides voter registration assistance under the federal National Voter Registration Act (NVRA) must not, when performing voter registration services, influence a client’s political choices. This means no display of political preferences, including a restriction that no political buttons may be worn. ORS 247.208(3)



Better Together

# Restrictions on Political Campaigning by Public Employees, Quick Reference to ORS 260.432

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## Allowable Activities

A public employee, while on the job during working hours may:

- prepare and distribute impartial written material or make an impartial presentation that discusses election subjects (using the guidelines provided in the Secretary of State’s detailed manual on ORS 260.432.)  
The Secretary of State’s Elections Division is also available for an advisory review of draft material about ballot measures produced by government agencies.
- perform standard job duties, such as taking minutes at a public meeting, maintaining public records, opening mail, inserting a proposed resolution into a board agenda packet, etc.
- impartially advise employees about possible effects of a measure, but not threaten them with financial loss to vote a particular way
- address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of employee’s normal duties
- as staff of an elected official, handle incoming calls about the official’s availability for political events
- prepare neutral, factual information for a governing body to use in determining what position to take on an issue (planning stage of a governing body’s proposed issue before certified as a measure to a ballot is not subject to ORS 260.432)
- in a clerical manner, incorporate amendments into a finalized version of a governing body’s resolution on an issue respond to public records request for information, even if the material advocates a political position
- wear political buttons subject to applicable employer policies unless the public employee is providing voter registration services under NVRA, where additional restrictions apply - see note on previous page about ORS 247.208(3)  
A public employee, on their own, off duty time, may send letters to the editor that advocate a political position and may participate in any other lawful political activity.  
It is advised that a salaried public employee keep records when appropriate in order to verify any such political activity that occurs while off duty.

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## Prohibited and Allowable Activities for Elected Officials\*

\*includes a person appointed to fill a vacancy in an elective public office

### Elected officials may:

- advocate a political position at any time. Elected officials are not considered a “public employee” for purposes of ORS 260.432. ORS 260.432(4)(a).
- vote with the other elected officials of a governing body (such as a school board, city council or county commission) to support or oppose a measure, and publicly discuss such a vote—but must not use the public employee staff time to assist in this, except for ministerial functions
- perform campaign activity at any time, however must take caution not to involve any public employee’s work time to do so

### Elected officials may not:

- in the role of a supervisor, request a public employee—whether the public employee is on or off duty—to perform any political activity  
A request made by a person in a position of supervisor or superior is viewed as a command for purposes of this election law.
- have an opinion piece or letter advocating a political position published in a jurisdiction’s newsletter or other publication produced or distributed by public employees



# Parliamentary Motions Guide/Procedures

Based on *Robert's Rules of Order Newly Revised (11<sup>th</sup> Edition)*

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

YOU WANT TO:	YOU SAY:	INTERRUPT?	2 <sup>ND</sup> ?	DEBATE?	AMEND?	VOTE?
§21 Close meeting	I move to <b>adjourn</b>	No	Yes	No	No	Majority
§20 Take break	I move to <b>recess</b> for	No	Yes	No	Yes	Majority
§19 Register complaint	I rise to a <b>question of privilege</b>	Yes	No	No	No	None
§18 Make follow agenda	I call for the <b>orders of the day</b>	Yes	No	No	No	None
§17 Lay aside temporarily	I move to <b>lay the question on the table</b>	No	Yes	No	No	Majority
§16 Close debate	I move the <b>previous question</b>	No	Yes	No	No	2/3
§15 <b>Limit or extend debate</b>	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14 <b>Postpone to a certain time</b>	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13 <b>Refer to committee</b>	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12 Modify wording of motion	I move to <b>amend</b> the motion by ...	No	Yes	Yes	Yes	Majority
§11 Kill main motion	I move that the motion be <b>postponed indefinitely</b>	No	Yes	Yes	No	Majority
§10 Bring business before assembly (a <b>main motion</b> )	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority



# Parliamentary Motions Guide/Procedures

**Incidental Motions** - No order of precedence. Arise incidentally and decided immediately.

<b>YOU WANT TO:</b>	<b>YOU SAY:</b>	<b>INTERRUPT?</b>	<b>2<sup>ND</sup>?</b>	<b>DEBATE?</b>	<b>AMEND?</b>	<b>VOTE?</b>
§23 Enforce rules	<b>Point of order</b>	Yes	No	No	No	None
§24 Submit matter to assembly	I <b>appeal</b> from the decision of the chair	Yes	Yes	Varies	No	Majority
§25 Suspend rules	I move to <b>suspend the rules</b> which ...	No	Yes	No	No	2/3
§26 Avoid main motion altogether	I <b>object to the consideration</b> of the question	Yes	No	No	No	2/3
§27 Divide motion	I move to <b>divide the question</b>	No	Yes	No	Yes	Majority
§29 Demand rising vote	I call for a <b>division</b>	Yes	No	No	No	None
§33 Parliamentary law question	<b>Parliamentary inquiry</b>	Yes (if urgent)	No	No	No	None
§33 Request information	<b>Request for information</b>	Yes (if urgent)	No	No	No	None

**Motions That Bring a Question Again Before the Assembly** - no order of precedence. Introduce only when nothing else pending.

§34 Take matter from table	I move to <b>take from the table</b> ...	No	Yes	No	No	Majority
§35 Cancel or change previous action	I move to <b>rescind/ amend something previously adopted...</b>	No	Yes	Yes	Yes	2/3 or maj. w/ notice
§37 Reconsider motion	I move to <b>reconsider</b> the vote ...	No	Yes	Varies	No	Majority

Jim Slaughter, Certified Professional Parliamentarian-Teacher & Professional Registered Parliamentarian

9/2011



# Roberts Rules Cheat Sheet

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).



# Roberts Rules Cheat Sheet

## PROCEDURE FOR HANDLING A MAIN MOTION

**NOTE:** Nothing goes to discussion without a motion being on the floor.

### Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

### How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

### Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

### The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'.* (Pause for response.) *Those opposed, say 'Nay'.* (Pause for response.) *Those abstained please say 'Aye'.*

### The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

### WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite



# Roberts Rules Cheat Sheet

## HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

### MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that \_\_\_\_\_."

### AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words \_\_\_\_\_."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words \_\_\_\_\_."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, \_\_\_\_\_, and adding in their place the following words \_\_\_\_\_."

### REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

### POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until \_\_\_\_\_."

### PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

### LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."



# Roberts Rules Cheat Sheet

## **POSTPONE INDEFINITELY**

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

## **POSTPONE INDEFINITELY**

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

## **RECESS**

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

## **ADJOURNMENT**

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

## **PERMISSION TO WITHDRAW A MOTION**

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

## **CALL FOR ORDERS OF THE DAY**

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

## **SUSPENDING THE RULES**

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

## **POINT OF PERSONAL PRIVILEGE**

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."



# Roberts Rules Cheat Sheet

## COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

## POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

## POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

## POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

## APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

### Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote



# Lessons from Dumdi v. Handy, et al.

(A Lane County Case on Public Meeting Law)

## **A. Lessons from Dumdi v. Handy et al.**

1. Using a personal computer or personal email account for public business can subject your private files to production under a public records request or litigation discovery request.
2. Use email only for sending and receiving information on public business – not for “back and forth” exchange of comments or responses with other Councilors.
3. Do not use email for orchestrating a discussion to occur at a public meeting.
4. Councilors being briefed by staff should not be polled on how they will vote on upcoming agenda items and should not be informed about the opinions expressed on upcoming agenda items during similar briefings of other Councilors.
5. Willful violation of public meeting laws could result in a Councilor having to pay the complainant’s attorney fees.

## **B. Lesson from May 16, 2011 Ethics Commission Advisory Opinion No. IIS-001:**

6. Making use of the contacts you have developed as a Councilor to pursue a private business venture would be a violation of the ethics statute. (The opinion does not address use of such contacts after you are no longer a public official.)

