

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING) RESOLUTION NO. 13-4447
RULES AND ESTABLISHING PROCEDURES)
RELATING TO THE CONDUCT OF) Introduced by Tom Hughes,
COUNCIL BUSINESS) Council President

WHEREAS, Metro Code Section 2.01.090 requires the Council by resolution to adopt rules of procedure governing conduct of debate on matters considered by the Council; and

WHEREAS, Metro Code Section 2.01.120 requires the Council by resolution to adopt rules and procedures relating to the receipt of communications from the public at Council meetings; and

WHEREAS, Metro Code Sections 2.01.070 and 2.01.080 require the Council by resolution to adopt rules establishing procedures for the introduction and consideration of ordinances and resolutions respectively; and

WHEREAS, Metro Code Section 2.01.130 requires the Council by resolution to establish the general order of business for Council meetings, and to establish criteria for placing items on a consent agenda; and

WHEREAS, Metro Code Section 2.01.035 requires the Council by resolution to establish procedures governing the conduct of Council work sessions; and

WHEREAS, Resolution No. 95-2078, amended by Resolution No. 95-2160, established Council rules and procedures which governed debate, receipt of communications from the public, introduction and consideration of ordinances and resolutions, the general order of business, criteria for the consent agenda and other issues; now, therefore,

BE IT RESOLVED, that the Metro Council hereby repeals the rules adopted by Resolution Nos. 95-2078 and 95-2160 and, pursuant to Metro Code Section 2.01.100, adopts the following rules of procedure:

1. General rules of procedure for the Metro Council as shown in Exhibit A.
2. Rules of procedure relating to communications from the public at Council meetings as shown in Exhibit B.
3. Rules of procedure for consideration of ordinances and resolutions as shown in Exhibit C.
4. Rules establishing the general order of business for Council work sessions as shown in Exhibit D.
5. Rules establishing the general order of business for Council meetings as shown in Exhibit E.
6. Rules of procedure and criteria for the consent agenda as shown in Exhibit F.
7. Rules of procedure and criteria for Council liaisons as shown in Exhibit G.
8. Rules of procedure related to Council communication with staff as shown in Exhibit H.

ADOPTED by the Metro Council this 8 day of August, 2013.


Tom Hughes, Council President


Approved as to form:

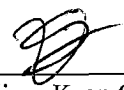

Alison Kean Campbell, Metro Attorney

EXHIBIT A
GENERAL RULES OF PROCEDURE FOR THE METRO COUNCIL

To conduct Council business in an orderly and expeditious manner the following general rules of procedure are established:

1. All meetings of the Metro Council shall be noticed and held in accordance with Oregon Public Meetings Law (ORS 192.610-192.710). Meetings will be held in open session, except for those that may be closed for purposes specified by law. Cancellations of any open meeting will be noticed twenty-four (24) hours in advance.
2. The Council President shall act as presiding officer at all open sessions. The presiding officer shall conduct all meetings, preserve order and enforce the rules of the Council. In the absence of the Council President, the Deputy Council President shall preside. In the absence of both the Council President and Deputy Council President, the Council President shall appoint a Councilor to preside. If the Council President is unable to appoint in his/her absence, the Council shall amongst themselves designate a temporary presiding officer.
3. Order and decorum shall be preserved during all public meetings. Councilors will direct discussion to the matter at hand and attendees, including staff present, will abide by the directions of the presiding officer. At the direction of the presiding officer, or by a majority of the Council present, the Council may remove anyone from the Council Chamber for the duration of the meeting if the following conduct is observed:
 - I. Use of unreasonably loud or disruptive language, including personal, offensive or slanderous remarks, or actions that are boisterous, threatening or personally abusive.
 - II. Making of loud or disruptive noise, including applause.
 - III. Engaging in violent or distracting action.
 - IV. Willful injury of furnishings or of the interior of the Council Chamber.
 - V. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
 - VI. Refusal to obey an order of the presiding officer or an order issued by a Councilor which has been approved by a majority of the Council present.
4. Councilors shall inform the Council President and Chief Operating Officer if they are unable to attend any open meeting of the Council. The Council President shall inform the Deputy Council President and Chief Operating Officer regarding any absence by the Council President. If unavailable to attend in person, members of the Council may participate in an open meeting via electronic communication, where not prohibited by superseding law or statute. A majority of the Council must be physically present at any special or regular meeting for a quorum to exist.
5. In the case of an emergency, an emergency meeting may be called by the Council President or by consent of all available Councilors, upon such notice as is appropriate to the circumstances. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours notice, and Metro staff shall attempt to contact the media and other interested persons to inform them of the meeting. Councilors are responsible to inform staff of how they may be reached when out of town. An emergency meeting may be conducted by electronic means so long as the meeting is held consistent with Oregon Public Meetings Law.

6. As provided in Section 2.01.001(b) of the Metro Code, a majority of the members of the Metro Council holding office constitutes a quorum.
7. The Metro Council will meet in regular session every Thursday, beginning at 2:00 p.m. unless otherwise arranged.
8. The Metro Council will meet in work session, conducted on an as-needed basis, on Tuesdays, beginning at 2:00 p.m., unless otherwise arranged.
9. The Metro Attorney is designated as parliamentarian for the Council. Questions of parliamentary rules may be referred to the Metro Attorney, or his/her designee, through the presiding officer for interpretation.
10. Except as otherwise provided in Metro Code, or rules adopted by the Council, all business meetings of the Council shall be governed by Robert's Rules of Order, newly revised.
11. All Councilors have a right to debate each matter brought before the Council. There shall be a question before the Council prior to debate on any matter. On each matter brought before the Council for a decision, the presiding officer shall ask for a motion on the matter which must be seconded for it to be a proper question.
12. A Councilor speaking on a motion shall confine his or her remarks to the matter under consideration by the Council and shall avoid repetition and unrelated comment.
13. A Councilor may speak once for up to five (5) minutes on each main motion and substantive amendment to a main motion before the Council. A Councilor may speak more than the allotted time with unanimous consent of the Council or with consent of the presiding officer. A member may be permitted to speak a second time to clear up a matter of fact, to explain a point misunderstood, to clear up a question that has arisen in the debate, or to explain a vote on a motion. A Councilor may be recognized by the presiding officer to question any person appearing before the Council. When a Councilor has been recognized he or she is considered to have the floor and need not be recognized for each subsequent question until he or she is finished with the questioning.
14. The Councilor who moves a matter before the Council is entitled to close the debate after other Councilors wishing to speak have spoken. The closing comments shall be limited to three (3) minutes unless extended by unanimous consent of the Council or with consent of the presiding officer.
15. The affirmative action of four (4) or more Council members shall be necessary to decide any question before the Council, where not otherwise indicated. The Chief Operating Officer, or his/her designee, shall call the roll, and the order of voting shall be rotated on each question such that each Councilor, excluding the presiding officer, has an equal opportunity to vote first. In all instances, the presiding officer shall vote last.
16. The Council shall review these rules at least once every four (4) years. Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, Metro ordinances or policies, or provisions of the Metro Charter or Code. These rules may be suspended upon an affirmative vote by two-thirds of the Council. Suspension of the rules does not suspend rules of procedure codified in the Metro Charter or Code.

EXHIBIT B
RULES OF PROCEDURE RELATING TO COMMUNICATIONS FROM THE PUBLIC

The Council shall encourage the appearance of members of the public both for matters on the agenda and not on the agenda. To facilitate the orderly transaction of business, the following procedures shall apply for matters other than those in which the Metro Council is acting in a quasi-judicial capacity:

1. At the beginning of each Council meeting and periodically during the meeting, the presiding officer shall announce that public testimony is allowed on matters before the Council and shall instruct members of the public to fill out sign-up cards and submit them to the Chief Operating Officer, or his/her designee. The sign-up card shall indicate the name and address of the person to testify, the agenda item on which the person wishes to speak and whether the person is speaking in favor or against the matter before the Council.
2. A member of the public may appear only once on each separate matter before the Council and shall be limited to three (3) minutes of testimony, exclusive of answers to questions from Councilors. A member of the public may speak more than once and longer than the three (3) minutes with unanimous consent of the Council or with consent of the presiding officer. On items for which there is a significant number of members of the public present to testify, in order to conduct Council business in an orderly and expeditious manner, the presiding officer retains the right to limit individual testimony to less than three (3) minutes. Any such limit to testimony shall be prescribed before any testimony is heard on the matter at hand and shall apply to all individuals testifying.
3. On matters before the Council on which a decision is to be made, the presiding officer shall call persons to testify in whichever order he or she determines is best. The presiding officer shall request members of the public to avoid providing repetitive and unrelated testimony.
4. The presiding officer shall inform members of the public to address the Council from the rostrum or table after first gaining recognition of the presiding officer and stating his or her name for the record.

EXHIBIT C
RULES OF PROCEDURE FOR CONSIDERATION OF ORDINANCES AND RESOLUTIONS

1. Introduction: An ordinance or resolution may be introduced by the Council, a Councilor or Councilors, the Auditor, or the Chief Operating Officer with the concurrence of the Council President. The Chief Operating Officer may introduce legislation on behalf of Metro departments or committees. Each ordinance or resolution shall designate the person or persons, introducing the ordinance or resolution.

2. Filing: All legislation shall be filed with the Chief Operating Officer or his/her designee, who shall assign numbers and approve titles for all proposed ordinances or resolutions. The Council President may establish requirements for filing supporting materials with ordinances and resolutions to assist the Council in deliberating on matters brought before it. A proposed ordinance shall be filed at least ten (10) days prior to the next regular Council meeting for which it is requested to be considered for first reading. A proposed resolution shall be filed at least ten (10) days prior to consideration by the Council. The Council President may waive filing deadlines.

3. Placement on Agenda: An ordinance or resolution filed pursuant to Section Two of this Exhibit and in proper form (including all required supporting materials) shall be 1) in the case of an ordinance, placed on the next available Council agenda for first reading; or, 2) in the case of a resolution, filed with the Chief Operating Officer or his/her designee and placed on a Council agenda at the discretion of the Council President. The Chief Operating Officer or his/her designee shall notify Councilors and the Chief Operating Officer on a weekly basis of the status of placement of ordinances and resolutions on the agenda.

EXHIBIT D
RULES ESTABLISHING THE GENERAL ORDER OF
BUSINESS FOR COUNCIL WORK SESSIONS

1. The primary purpose of Council work sessions is to provide the Council the opportunity to receive and consider information on issues of interest to the Council in a public meeting. In addition to discussing issues, receiving briefings and status reports, etc., the Council may discuss and vote on matters that have been filed for its consideration and which otherwise comply with Oregon law and Metro ordinances and rules.
2. The general order of business for Council work sessions will be as follows:
 - I. Call to Order
 - II. Chief Operating Officer Communications
 - III. Items for Council Consideration
 - IV. Councilor Communications
3. The Council President shall set the agenda for the work sessions from items requested by a Councilor or Councilors, the Auditor, or the Chief Operating Officer. The Council President has the authority to determine whether and when to schedule an item for a work session.
4. Requests for an item to be included on a work session agenda and materials to be included in the agenda packet for a work session shall be filed with the Chief Operating Officer, or his/her designee, at least eleven (11) business days prior to the work session, with final materials prepared and submitted seven (7) business days prior; a Councilor, however, may request at a work session that an item be included on the agenda for the following week's work session. The Council President may waive the filing deadline.

EXHIBIT E
RULES ESTABLISHING THE GENERAL ORDER OF
BUSINESS FOR COUNCIL MEETINGS

1. The general order of business for regular Council meetings shall be as follows:
 - I. Call to Order
 - II. Citizen Communications to the Council
 - III. Special Presentations
 - IV. Consent Agenda
 - V. Approval of Minutes
 - VI. Ordinances
 - a. First Readings
 - b. Second Readings
 - VII. Orders
 - VIII. Resolutions
 - IX. Other Business
 - X. Chief Operating Officer Communications
 - XI. Councilor Communications
 - XII. Adjourn
2. The Council President shall follow the above general order of business in preparing regular Council meeting agendas.
3. The Council President may change the order of business in preparing a regular Council meeting to meet special circumstances and shall notify the Council of such change in the general order of business at the beginning of the Council meeting.

EXHIBIT F
RULES OF PROCEDURE AND CRITERIA FOR THE CONSENT AGENDA

The following criteria and procedures shall apply to the Consent Agenda:

1. Agenda items may be placed on the Consent Agenda at the discretion of the Council President, subject to the requirements of this section. The party filing an item for Council consideration may request that it be placed on the Consent Agenda if no public hearing before the Council is required by law or Metro ordinance.
2. A Consent Agenda may only be presented at a regular Council meeting and shall be included as part of the regular meeting agenda.
3. The Council President shall have final approval of which items shall be placed on the Consent Agenda.
4. If a Councilor objects to any item on the Consent Agenda, that item shall be removed from the Consent Agenda and placed on the regular agenda of the Council at a time or place to be determined by the Council President.

EXHIBIT G
RULES OF PROCEDURE FOR COUNCIL LIAISONS

1. To facilitate the exchange of information and provide Council policy direction, the Council President may assign a councilor or councilors to liaise with an advisory committee, internal or external project, or other body. A Council liaison creates an effective communication link between a committee or project and the Metro Council and, if needed, provides recurring policy guidance in line with a policy position the Council has taken. Liaison assignments reflect a division of labor among members of the Council, as Councilors' time is limited.
2. Liaisons shall be assigned to committees or roles required by the Metro Charter, Code, ordinance or other legal agreement. For these assignments, the Council President shall appoint these liaisons subject to confirmation by a majority vote of the Council. Liaison appointments not required by law or Metro ordinance do not require confirmation by the Council.
3. The Council President shall manage a process by which Council liaisons periodically report to the Council on significant and important activities of each committee or project to which they have been assigned. Liaisons may request staff assistance through the Chief Operating Officer to accomplish this reporting responsibility.
4. Council liaisons are expected to represent the Metro Council. Where the Council has voted or indicated a policy direction, the liaison is expected to represent that position. If the Council's official position is unknown or unclear, the liaison may request that the item be placed on a Council work session agenda.

EXHIBIT H
RULES OF PROCEDURE RELATED TO COUNCIL COMMUNICATION WITH STAFF

The Council shall respect and support the day-to-day work of operational departments by:

1. Attempting to work together with the staff as a team in a spirit of mutual confidence and support.
2. Limiting inquiries and requests for information from staff to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature should be addressed in a manner consistent with the Council Policy Development document.
3. Limiting individual contacts with staff so as not to influence staff decisions or recommendations, to interfere with their work performance, to affect the authority of supervisors or to prevent the full Council from having the benefit of any information received.
4. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.