

**A G E N D A**  
**KEIZER CITY COUNCIL**  
**REGULAR SESSION**

Monday, April 17, 2017  
7:00 p.m.

Robert L. Simon Council Chambers  
Keizer Civic Center – Keizer, Oregon

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **FLAG SALUTE**

4. **SPECIAL ORDERS OF BUSINESS**

- a. Volunteer of the Quarter Award – Anita Zahniser
- b. Marion County Public Health – Tobacco Prevention Program
- c. **PROCLAMATION** – Keizer Heritage Center Volunteer Recognition Day

5. **COMMITTEE REPORTS**

6. **PUBLIC TESTIMONY**

*This time is provided for citizens to address the Council on any matters other than those on the agenda schedule for public hearing.*

7. **PUBLIC HEARINGS**

8. **ADMINISTRATIVE ACTION**

- a. **RESOLUTION** – Authorizing Temporary Use and Signs Subject to Conditions for Iris Festival (2017)
- b. **RESOLUTION** – Authorizing a Temporary Suspension of the Ordinance Prohibiting Street Vendors
- c. Municipal Judge Report – Councilor Check In
- d. **RESOLUTION** – Adopting the City of Keizer Council Rules of Procedure; Repealing Resolutions R2013-2369, R2013-2394, and R2014-2502

**9. CONSENT CALENDAR**

- a. RESOLUTION – Authorizing the City Manager to Award and Enter Into an Agreement with Cascade Drilling L.P. for Monitoring Well Installation Project
- b. Approval of March 13, 2017 City Council Work Session Minutes
- c. Approval of March 20, 2017 City Council Work Session Minutes
- d. Approval of March 20, 2017 City Council Regular Session Minutes
- e. Approval of April 3, 2017 City Council Regular Session Minutes

**10. COUNCIL LIAISON REPORTS**

**11. OTHER BUSINESS**

*This time is provided to allow the Mayor, City Council members, or staff an opportunity to bring new or old matters before the Council that are not on listed on this agenda.*

**12. WRITTEN COMMUNICATIONS**

*An opportunity to inform the City Council of significant written communications.*

**13. AGENDA INPUT**

April 17, 2017

7:00 p.m. City Council Regular Session

April 24, 2017

5:45 p.m. City Council Work Session

- Mid Willamette Homeless Initiative Task Force Presentation

May 1, 2017

7:00 p.m. City Council Regular Session

May 8, 2017

6:00 p.m. – City Council Special Session

- Public Forum – City of Keizer Parks Fee

**13. ADJOURN**

*Upon request, auxiliary aids and/or special services will be provided. To request services; please contact us at 503-390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.*

**CITY COUNCIL MEETING:** \_\_\_\_\_

**AGENDA ITEM NUMBER:** \_\_\_\_\_

**TO: MAYOR CATHY CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: TRACY L. DAVIS, MMC  
CITY RECORDER**

**SUBJECT: VOLUNTEER OF THE QUARTER AWARD**

**ISSUE:**

The Volunteer Coordinating Committee has selected Anita Zahniser as the recipient of the Volunteer of the Quarter award for the first quarter of 2017. Ms. Zahniser was nominated by the Keizer Points of Interest Committee. The nomination is attached.

Ms. Zahniser has been invited to the meeting to accept her volunteer award. The Keizer Points of Interest Committee has been invited as well. Our thanks and congratulations to Ms. Zahniser for her contributions to our community.

City of Keizer  
Volunteer of the Quarter Nomination

Each quarter, the City of Keizer recognizes an individual or group of individuals for their contributions to the Keizer community. This award is designed to recognize the achievement and to encourage actions that enhance the city of Keizer, the Keizer community, and the lives of our citizens.

Process for Award Nomination:

- A written nomination form is submitted to the Keizer City Recorder – P.O. Box 21000/930 Chemawa Road NE, Keizer, Oregon 97307 or submitted by clicking the submit button above.
- Additional letters of support, supplementary information such as pictures, news stories, biographical information, or other materials that show the project or contribution of the nominee may be included.
- The nomination will be reviewed and decided by the Volunteer Coordinating Committee. The nominator may be requested to attend a meeting of the Volunteer Coordinating Committee to answer questions or explain the nomination in further detail.
- The award will be then presented at a regular meeting of the Keizer City Council.

Name of Nominee(s): \_\_\_\_\_

Address of Nominee (s): \_\_\_\_\_

Nominee Phone Number or Contact Information: \_\_\_\_\_

Please provide a brief description, including the dates or time period, of the nominees' contributions and the reason why you are nominating for this award:

Explain the impacts these contributions have had on the city of Keizer or the Keizer community:

Nominator Information:

Your name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number – Contact Information \_\_\_\_\_



COUNCIL MEETING: April 17, 2017

AGENDA ITEM NUMBER: \_\_\_\_\_

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**FROM: CHRIS EPPLEY  
CITY MANAGER**

**SUBJECT: MARION COUNTY PUBLIC HEALTH – TOBACCO PREVENTION PROGRAM**

**BACKGROUND:**

Inga Suneson, Health Educator from Marion County Public Health requested time on the City Council agenda to give a 15 minute presentation on a recent community readiness/political feasibility study related to tobacco prevention policies.



***WHEREAS, volunteerism is one of the foundational attributes of the City of Keizer, as stated in our motto “Pride, Spirit and Volunteerism; and***

***WHEREAS the Keizer Heritage Center, originally the Keizer Elementary School which celebrated its Centennial in 2016, is operated and cared for by dedicated volunteers who recognize the rich historical and cultural value it brings to our community; and***

***WHEREAS, the Keizer Heritage Center is home to volunteer organizations that are significant in the cultural life of Keizer:***

***Keizer Arts Association  
Keizer Community Library  
Keizer Heritage Museum  
Keizer Heritage Foundation***

***WHEREAS the month of April is Volunteer Recognition Month in the City of Keizer and on April 30<sup>th</sup> we will be celebrating and thanking the many volunteers who generously give their time and talent to the Keizer Heritage Center and organizations.***

***NOW THEREFORE, I, Cathy Clark, Mayor of the City of Keizer, proclaim April 30, 2017 as***

***KEIZER HERITAGE CENTER VOLUNTEER RECOGNITION DAY***

***And encourage everyone to express our deep appreciation for the work they all do for the people of Keizer.***

***IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Keizer, Oregon to be affixed to this document this 17<sup>th</sup> day of April, 2017***

***Signed: \_\_\_\_\_  
Cathy Clark, Mayor***

**COUNCIL MEETING: April 17, 2017**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY  
CITY MANAGER**

**FROM: E. SHANNON JOHNSON  
CITY ATTORNEY**

**SUBJECT: IRIS FESTIVAL TEMPORARY USE AND ASSOCIATED SIGNAGE**

**BACKGROUND:**

The Keizer Iris Festival events will begin May 4th and run through May 21st this year. The Keizer Chamber of Commerce submitted a packet of materials relating to Iris Festival events for approval, a copy of which is attached. The Keizer Police Department and Public Works Department has reviewed the packet of materials and have some corrections which are outlined in the April 6, 2017 email attached.

In 2004 the City Council passed Ordinance 2004-489, amending Section 2.203 of the Keizer Development Code (Ordinance No. 98-389), which regulates “Permitted Temporary Uses”. This amendment affords Council discretion in authorizing “additional temporary uses” during a specific event or festival, and specifically allows for the council to authorize temporary signage in conjunction with a temporary use. The Development Code reads as follows:

*Additional Permitted Temporary Uses. The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival. This may include setting forth reasonable types of uses, appropriate zones for such uses, temporary signs and any time restrictions the Council finds necessary to protect the health, safety and welfare of the Public. (Section 2.203.04.E)*

The Iris Festival is a significant community event which is beneficial to the citizens of Keizer and the surrounding communities. This activity has occurred under the leadership of the Chamber of Commerce.

A significant portion of the Iris Festival will take place in the area of the Lion’s Club, the Elks Lodge and at the end of Cherry Avenue. The Resolution approves the signage and special events for the events throughout the City. Specific conditions are attached to the Resolution.

The City, as part of its sponsorship, typically waives fees, Keizer Police/Public Works costs, and the K23 coverage of the parade. The Resolution includes the waiver of such fees and assistance, assuming the Council wishes to do so.

**RECOMMENDATION:**

Adopt the attached Resolution Authorizing Temporary Use and Signs Subject to Conditions for Iris Festival (2017).

ESJ/tmh



March 31, 2017

**To:** Keizer City Council  
Chris Eppley, City of Keizer Manager

**From:** Danielle Bethell, Keizer Chamber of Commerce Executive Director

**Subjects:** Keizer Iris Festival  
Special Event Permit (see attached)  
Sign Code Variance request  
Street Closure request

**Keizer Iris Festival**

The Keizer Iris Festival is a community wide celebration of the unique spirit of Keizer the month of May. The Iris Festival Council, a function of the Keizer Chamber of Commerce, oversees the scheduling of events and the promotion of the festival. The Chamber wishes to, in cooperation with the City of Keizer, facilitate the Iris Parade, a Fun Center & Carnival, Keizer Iris Run(s), and a Mayor's Pet Parade.

**Chamber Events Date and Times:**

**Fun Center** (Includes set-up, event nightly cleanup, and take down)

May 17 - 8:00 am to May 21 - 9:00 p.m.

**Parade – start time 10:30 am**

May 20 Staging at Lockhaven (7am – 10:30am)

Parade and Disbandment on River Rd from Lockhaven to Glynbrook

**5K & 3K– start time 9:15 am / 9:30 am**

May 20 Set-up at the Fun Center, courses begin and end at Manbrin just east of River Road.

5K and Kidz 3K courses down and back on River Road from Chemawa Rd. N.

**Mayor's Pet Parade – start time 9:30 am**

May 20 Mayor's Course along River Road starting and ending at Creekside Veterinary Parking Lot

**Marathon, Half Marathon & 10K Run – start time 7:00 am**

May 21 Half Marathon & 10K Courses begin at Manbrin just west of River Road, staging is on Manbrin and in the parking lot of O'Reilly's.

**Location of Events:**

Lion's Club, Elks Lodge, end of Cherry Ave, River Road, and Lockhaven Dr.

**Description of Events:**

**Fun Center & Carnival** The majority of the activity will generate from a carnival and evening live music scheduled at the entertainment tent which will be located at Keizer Lions' Club

**Parade** – Parade 100+ entries of floats, bands, cars, and marching groups. Noise will be generated during the parade along River Rd from bands and other entries providing recorded music.

**Run/Walk Events** – 800-1,000 runners and walkers are expected to participate each day of the run/walk events (3k, 5k, 10k, Half Marathon & Full Marathon). During the 3k & 5k on Saturday, the fastest participants will finish in 15 to 20 minutes and the slowest participants will finish by 10:30 am. During the 10k the fastest participants will finish around 9:15 am and the slowest by 10:00 am. During the Half Marathon the fastest participants will finish around 11:00 am and the slowest by 12:30 noon. During the Full Marathon the fastest participants will finish around 10:00 am and the slowest by 1:30 pm.

**Mayor's Pet Parade** –50-100 projected participants able to complete event with-in 30 minutes.

<b>Street Closures</b>	<b>Days</b>	<b>Time</b>	<b>Location</b>
<b>River Road</b>	May 20	9am -1:30pm	Lockhaven to Plymouth
<b>Lockhaven</b>	May 20	6am-12:30pm	McClure to River Rd
<b>Manbrin</b>	May 21	6am-12:30pm	

### **Parade Detours**

West and east bound traffic will be able to cross River Rd at Chemawa Rd until the parade lead approaches the intersection.

North/South Detour (west of River Road)- north and south bound traffic via: McNary Estates Drive (back gate), McClure St., Lockhaven (west of McClure St), Windsor Island Rd/Shoreline, Wayne, Rivercrest, Sunset, 5<sup>th</sup>, Fall Creek Dr., Sandra Ave., Dorcas, Jack St, and Stark

North/South Detour (east of River Road) – north bound traffic via: Plymouth, Cherry Ave. and Salem Parkway

North/South Detour (east of River Road) –south bound traffic via: Manzanita, Trail, Lockhaven, Verda, and Salem Parkway

North end of River Road gradually will open as end of parade continues south.

### **Event Parking, Transportation, & RV Parking**

Parking will be available at Keizer Elks Lodge, in various area lots of unoccupied businesses, and alongside streets. Parking will also be available on Cherry Ave South of Carnival to Alder Drive. RV Parking available at the Keizer Elks Lodge for Elks members

### **Promotional Event Signs, Banners & Balloons**

The Keizer Iris Festival Marketing Committee will embark on decorating the City with Iris Festival Street Banners 4, yard signs (approx 50) on the main intersections along River Road and on participating business storefronts, promoting the festival. 1 banner (Additional banners & hand signs along River Road and at the Fun Center will be posted April 26 through May 31<sup>st</sup>.

### **Other Permits and Agencies**

The Keizer Chamber of Commerce will obtain a special event licensing/insurance through OLCC and require all food concessionaires to obtain Temporary Restaurant Licensing from Marion County Health Department.

The Festival Council recommends the City of Keizer limit mobile street vending during the parade be exclusive to those who have registered with the festival. (Local School, Youth, and Non-Profits organizations given first priority)

### **Security & Safety**

A professional security company will provide crowd control and overnight surveillance. The Festival Council has established an Incident Command Plan and on site location. All activities will be monitored with volunteers.

### **Other Festival Events facilitated by the Keizer Chamber of Commerce**

\* Events may be added or deleted to the below schedule

Thursday, May 4 - Mayor's Prayer Breakfast, Keizer Civic Center

Thursday, May 18– Sponsor Recognition Luncheon in the Big Tent at Lions Club

Thursday, May 18 – Kick-Off Party in Big Tent at Keizer Station 8

Thursday – Sunday, May 18 to 21 – Carnival, Cherry Ave south of Manbrin

Friday, May 19 – Mid Willamette Valley Chamber Greeters in the Big Tent at Lions Club

Friday, May 19 - Golf Tournament, McNary Golf Course & Golf Ball Drop

Friday – Sunday May 18 to 21 – Fun Center at Cherry Ave / Lions Club

Street Fairs/Exhibitors/Bazaar

Community Stage

Food Courts

Crown the Hound

Keizerfest in the Big Tent on Friday & Saturday evening

Saturday, May 20 – Keizer's Poker Ride & Bike Rally

Saturday, May 20 – Keizer Iris Festival Car Show – located in the Elks parking lot

### **Other Sanctioned Festival Events facilitated by other Organizations\***

Saturday, May 6 - Keizer Art Association Iris Art Show and Awards Reception

Saturday, May 13 - Keizer's Distinguish Young Women Program, McNary High School

Sunday, May 14 - Keizer Fire Fighters Mother's Day Breakfast

Monday, May 29 - Schreiner's Memorial Day BBQ, Schreiner's Iris Gardens

### **Respectfully Submitted for**

Keizer Iris Festival and the Keizer Chamber of Commerce





## PARADE OR SPECIAL EVENT PERMIT FOR PUBLIC PROPERTY

**Applications for permits must be submitted 60 days prior to date of parade or special event.** This permit is pursuant to City of Keizer Ordinance No 2000-419. A fee of \$50.00 must accompany this application. **This form may be filled in electronically and printed.**

**Danielle Bethell**

Name of Applicant/Person Responsible

6150 Ulali Dr N Keizer, OR 97303

Applicant's Address

503.393.9111

Residence Phone

Keizer Merchant Assoc. DBA Keizer Chamber of Commerce

Name of Organization/Group

3/14/17

Date Application Submitted

503.393.9111

Business/Message Phone

Type of Event: Parade ☐ Walk ☐ Run ☐ Bike Race ☐ Special Event ☒ Annual Keizer Iris Festival

Name of Event: **Keizer Iris Festival**

Date of Event: **May 2017** Beginning and Ending Time of Event: \_\_\_\_\_

Description of Event: **Hometown Celebration and Festivities**

Number of Persons expected to participate: **30,000** Number of Vehicles: **200**

Number of Animals: **100** Clean-up Arrangements: **volunteer/contracted services**

Proposed Route: **Parade: Lockhaven Drive - River Rd - Glynbrook**

Assembly Location: **Parade: Lockhaven - - - Fun Center- Cherry Ave/Manbrin**

Disassembly Location: **Parade: Glynbrook**

**This permit is subject to the following conditions:**

1. No alcoholic beverages are permitted on City owned street unless an OLCC license has been issued for a community event.
2. All residents living adjacent to proposed closure or businesses located adjacent to proposed closure have been notified of the event.
3. Barricades may be placed in the street right-of-way but must be positioned to allow access for emergency vehicles. Barricades are available from the City by calling 390-3700. Barricades must be returned to Public Works no later than the day after closure date.



4. Participants shall yield right-of-way to vehicular traffic, unless directed otherwise by a police officer.
5. The event will be conducted in such a manner as outlined in the ordinance to ensure the safety of the participants and spectators.
6. Permittee shall be responsible for clean up of areas and removal of all paraphernalia and debris as a result of this event.

**\*\*NOTICE\*\***

Permittee shall defend, indemnify and hold harmless the City of Keizer, its officers, agents and employees, against any claim, demand, suit or action for property damage, personal injury or death arising in connection with this event. The City of Keizer requires that the sponsor of such events carry commercial single limit liability insurance in the minimum amount of \$1,000,000 and name the City of Keizer as an additional insured for this event. Claims made in excess of the policy will be the responsibility of the sponsor of the event. We also require that you have a certificate on file with us prior to the event that stipulates the coverage and limit shown above.

INSURANCE CO. Philadelphia POLICY NO. PHUBB396809

COVERAGE LIMITS \$2,000,000.00 General Liability; \$1,000,000.00 Liquor Liability

**\*\*PERMIT REVOCATION\*\***

The City Manager may revoke this permit if circumstances reasonably show that the parade or special event can no longer be conducted consistent with public safety.

**\*\*APPLICATION SIGNATURE\*\***

I hereby certify that I am the authorized representative of the above group, that the above statements are true to the best of my knowledge, and that I will abide by all restrictions, administrative rules and applicable City Ordinances.

Danielle Bethell  
SIGNATURE

3/27/17  
DATE

**APPROVED ROUTE AND/OR POLICE COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL APPROVAL COMMENTS OR CONDITIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved by: \_\_\_\_\_  
Keizer Police Department

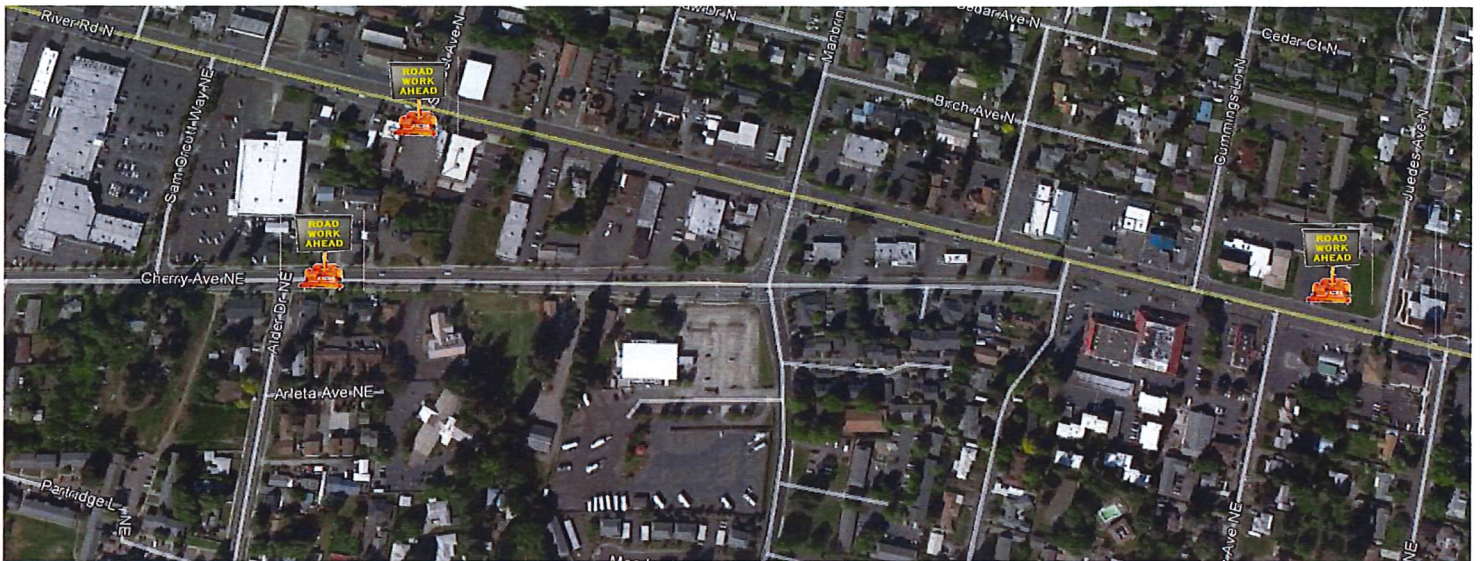
Approved by: \_\_\_\_\_  
Keizer Public Works

Approved by: \_\_\_\_\_  
City Manager



# 2017 Keizer Iris Festival Traffic Safety Plan / Signs

VM Signs on River Road, Cherry Ave & Manbrin



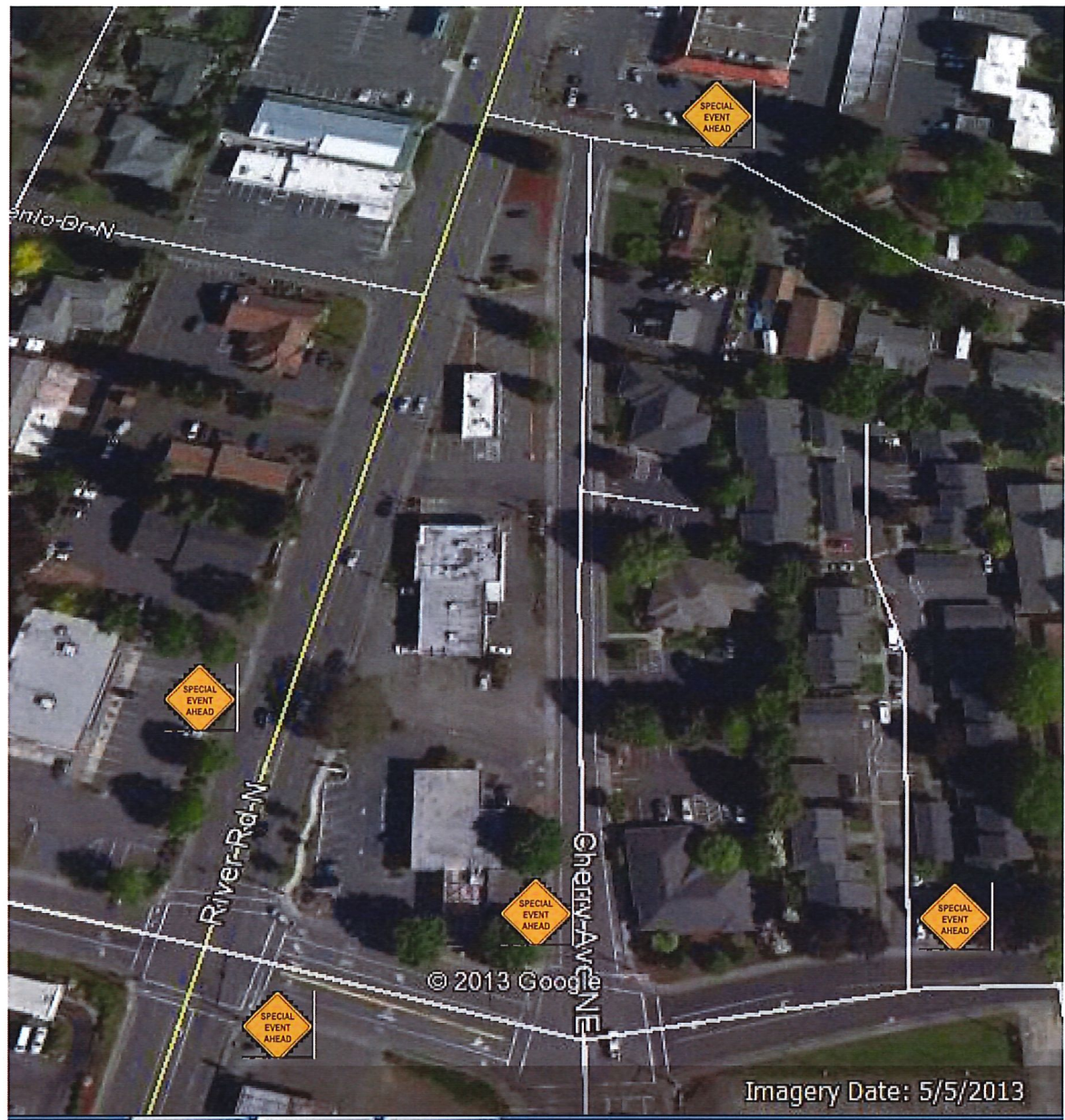
Public Works & Fire Access - Keizer Lion's Club Entrance



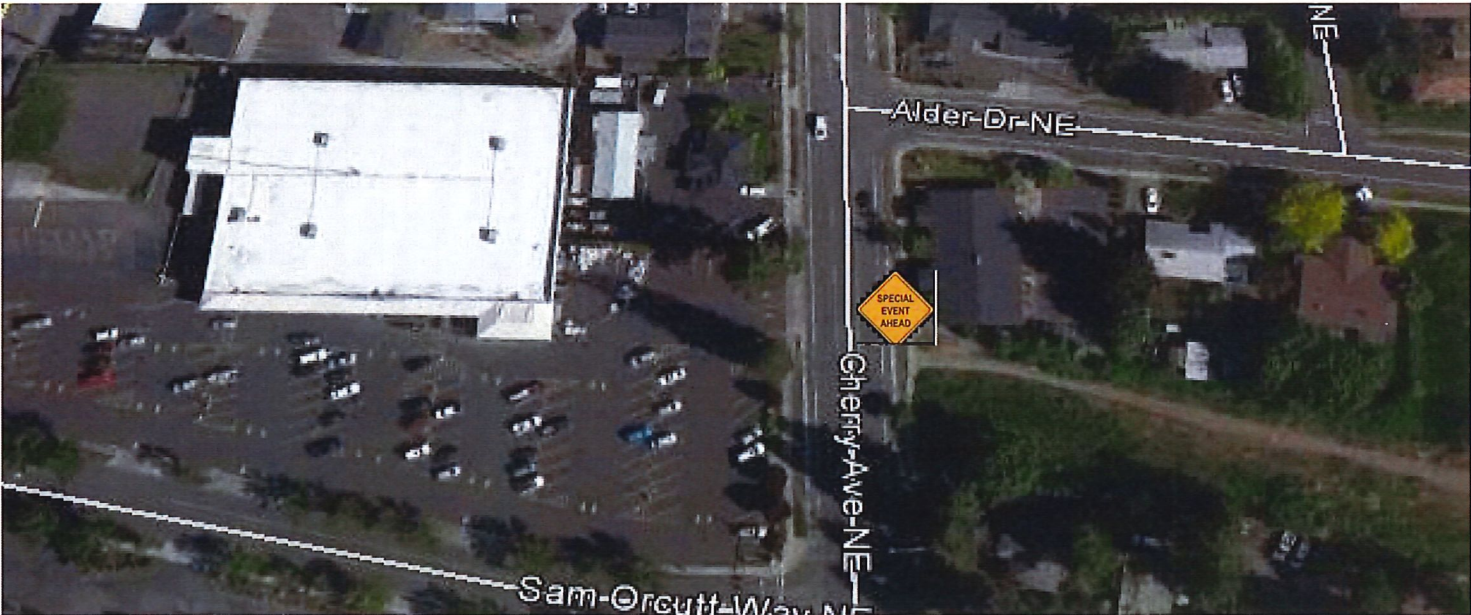


An aerial photograph of a street intersection. A white car is positioned in the center of the intersection, and a white truck is stopped at the red traffic light on the vertical road. The horizontal road has a double yellow line and white lane markings. The vertical road has a single yellow line and white lane markings. The intersection is labeled "Manbrin Dr. NE". The surrounding area includes residential houses, trees, and a parking lot. The Google logo and "© 2013 Google" are visible in the bottom right corner.





Cherry Ave / Alder Dr / Sam Orcutt Way

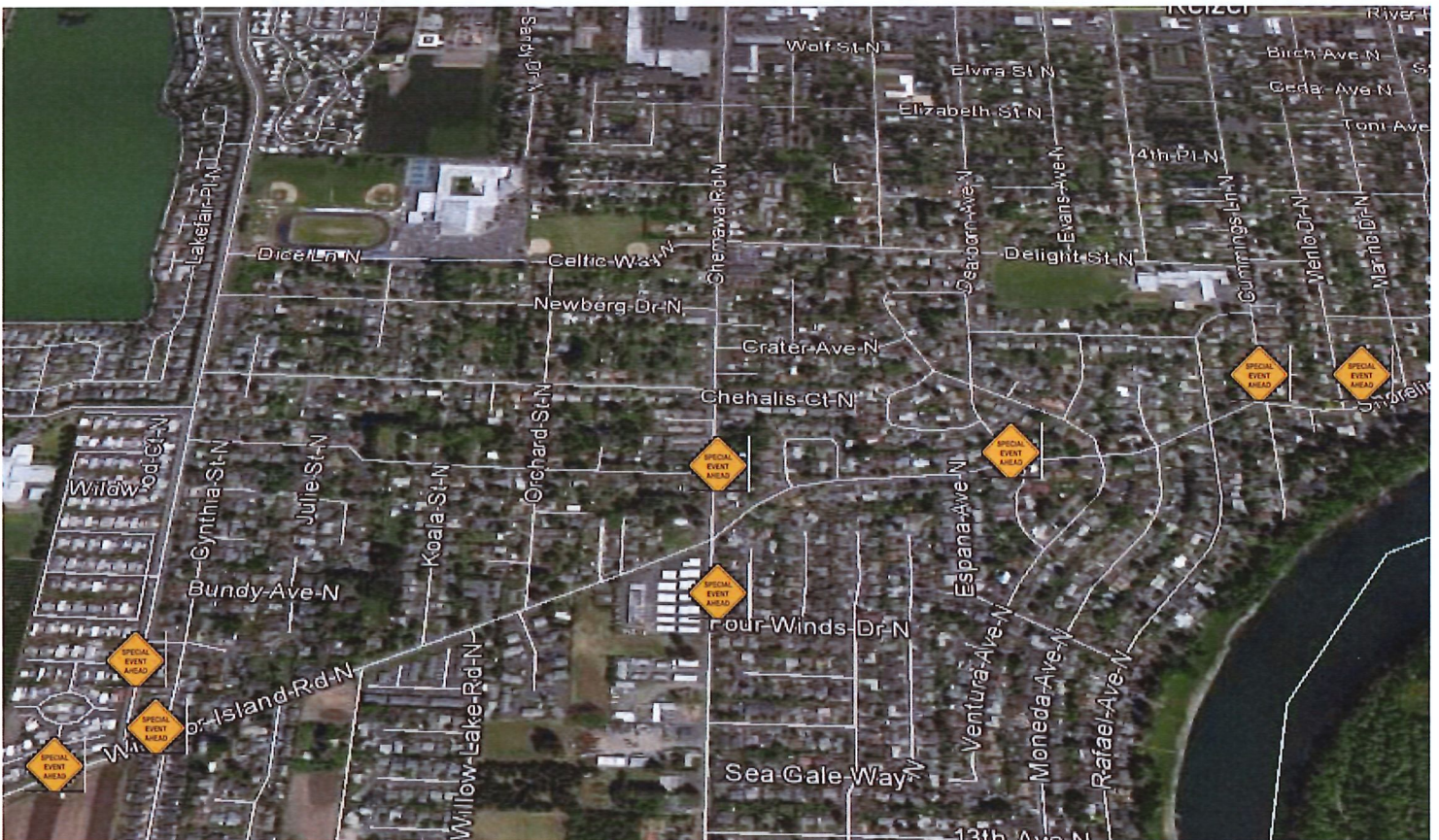




Manbrin (Sunday Only)



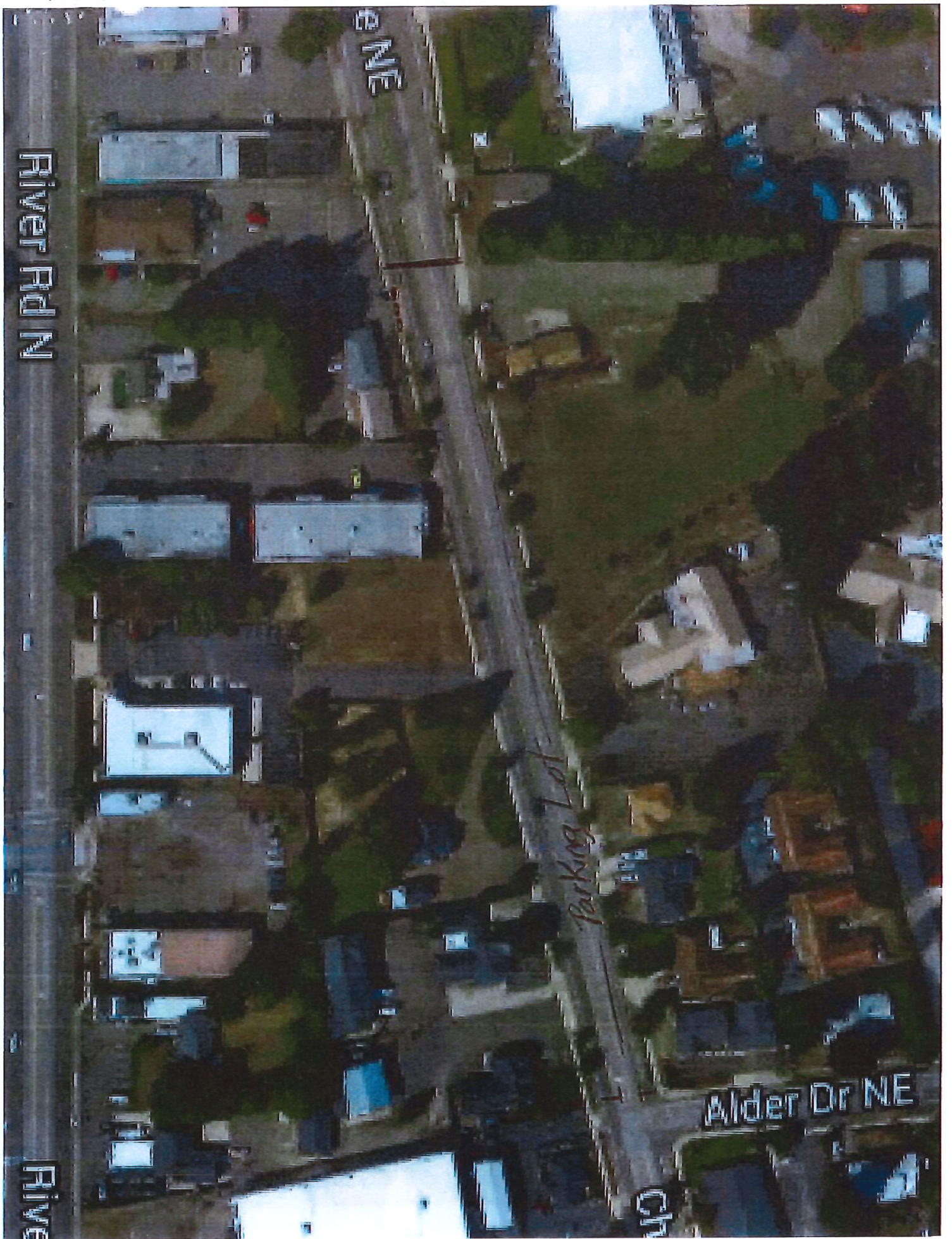
Rivercrest & Shoreline (Sunday Only)











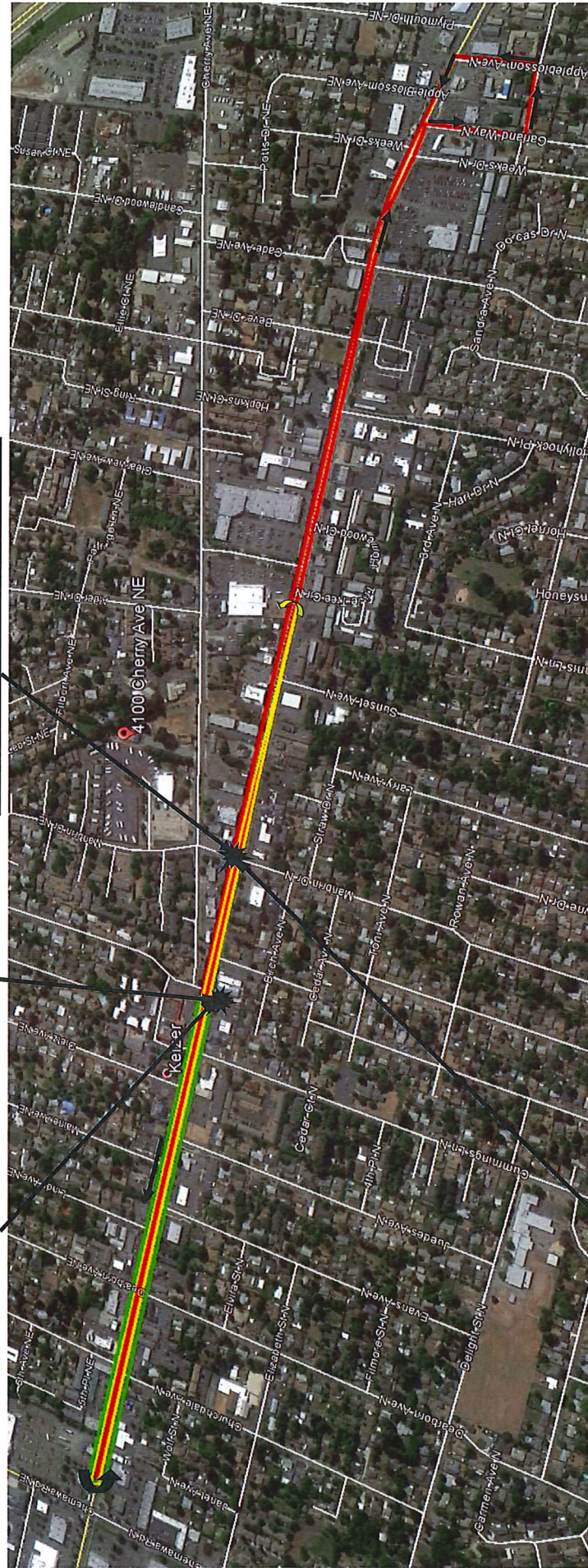


Saturday, May 20 Fun Center Activities on River Road

Keizer Iris Run/Walk 5K  
Keizer Iris Run/Walk 3K  
Start 9:15 AM  
River Road / Manbrin Dr

Crown the Hound  
1:30 PM to 3:30 PM  
Copper Creek Mercantile

Pet Walk 1K  
Start 10:00 AM  
Creekside Center



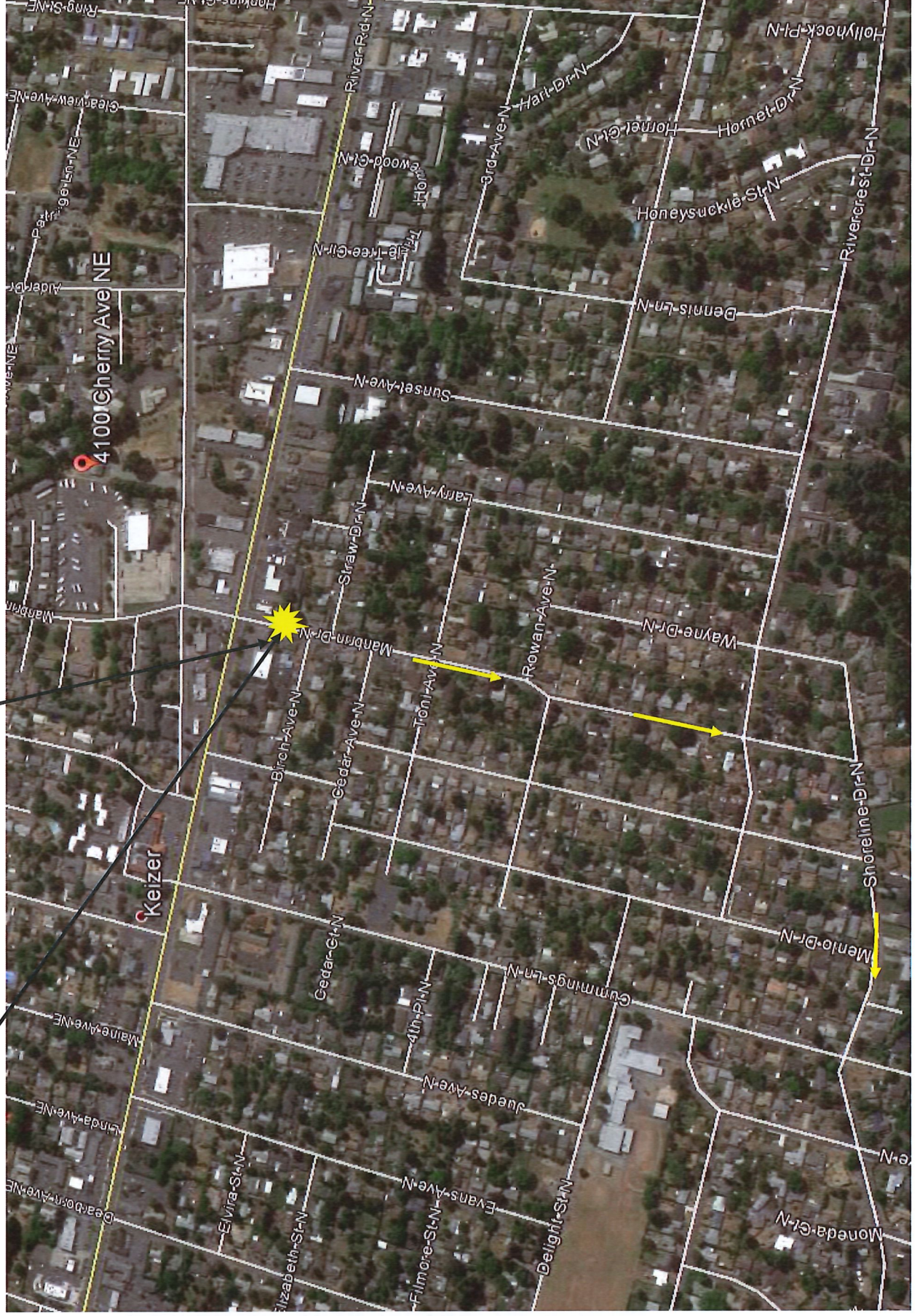
Parade Announcement  
10:30 AM to 1:00 PM  
(approximately)  
Columbia Bank



Sunday May 21, 2017 Fun Center Activities on River Road

Keizer Iris Run/Walk Half & 10K  
Start 8:00 AM

Willamette Valley Marathon  
Start 7:00 AM

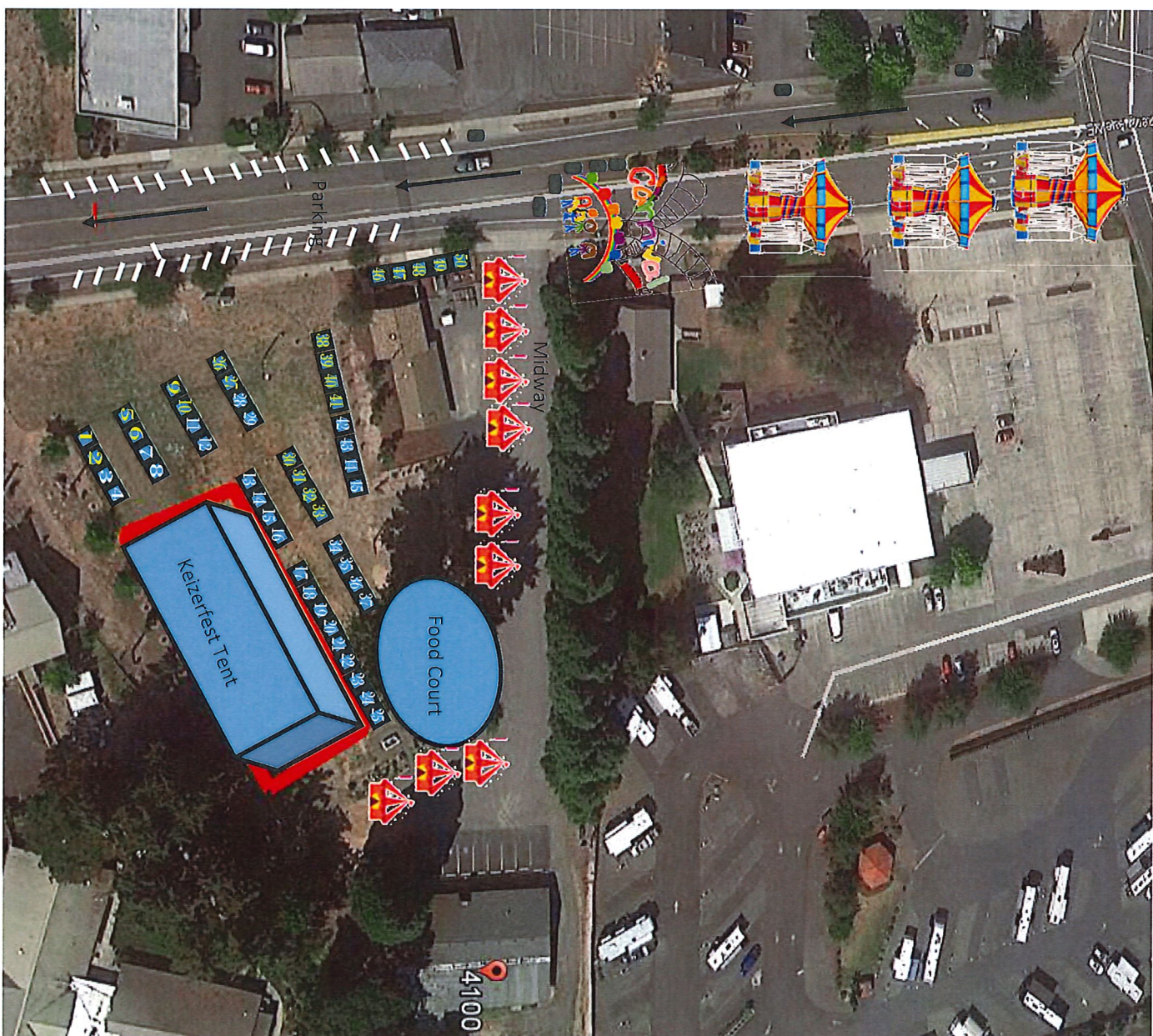






Keizer

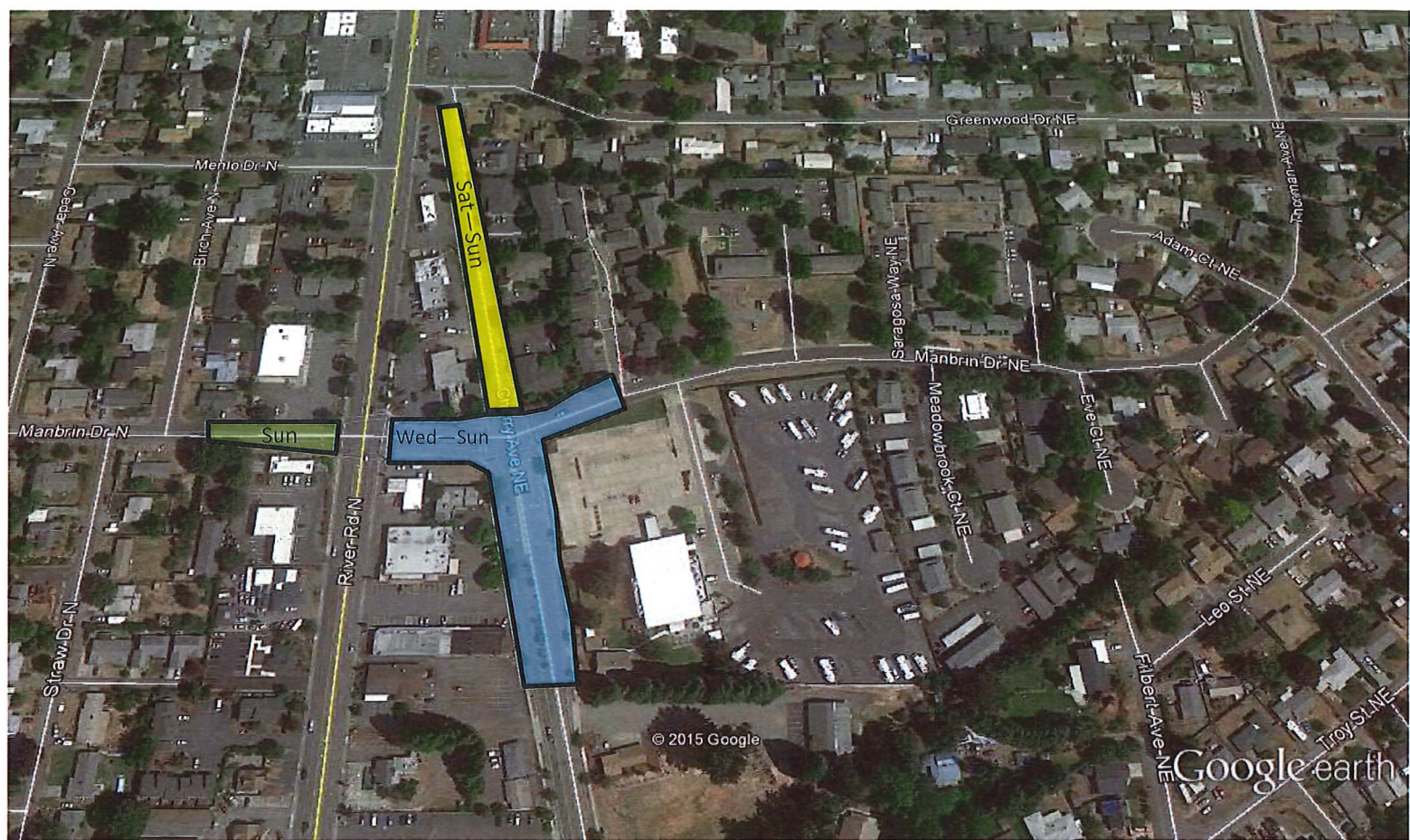
# IRISFESTIVAL FUN CENTER



4100 Cherry Ave NE, Keizer, OR 97303



2017 Iris Festival Fun Center - May 18-21

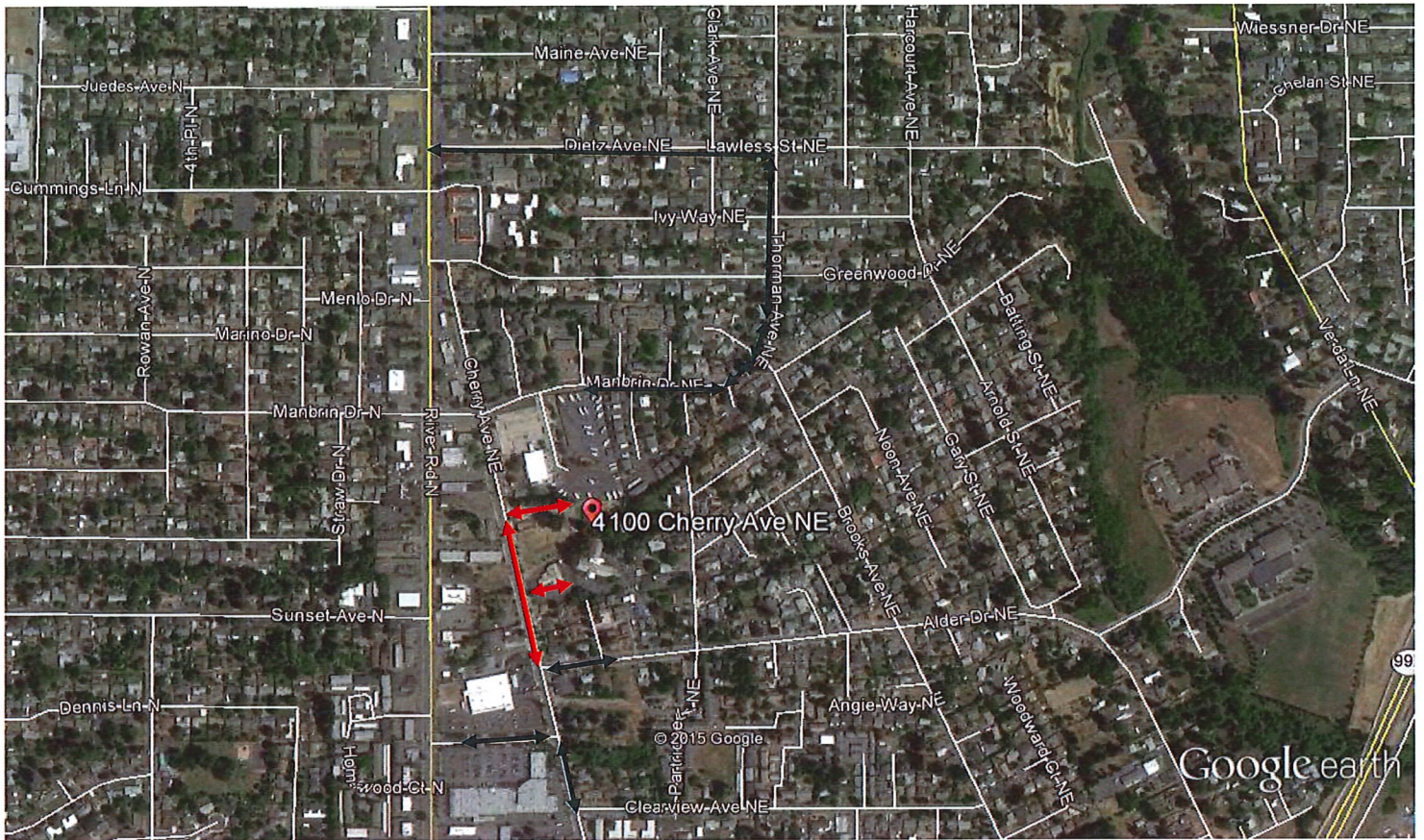








## Detours



Parking or 5k / 3k Run on Cherry Ave from  
Manbrin to Greenway

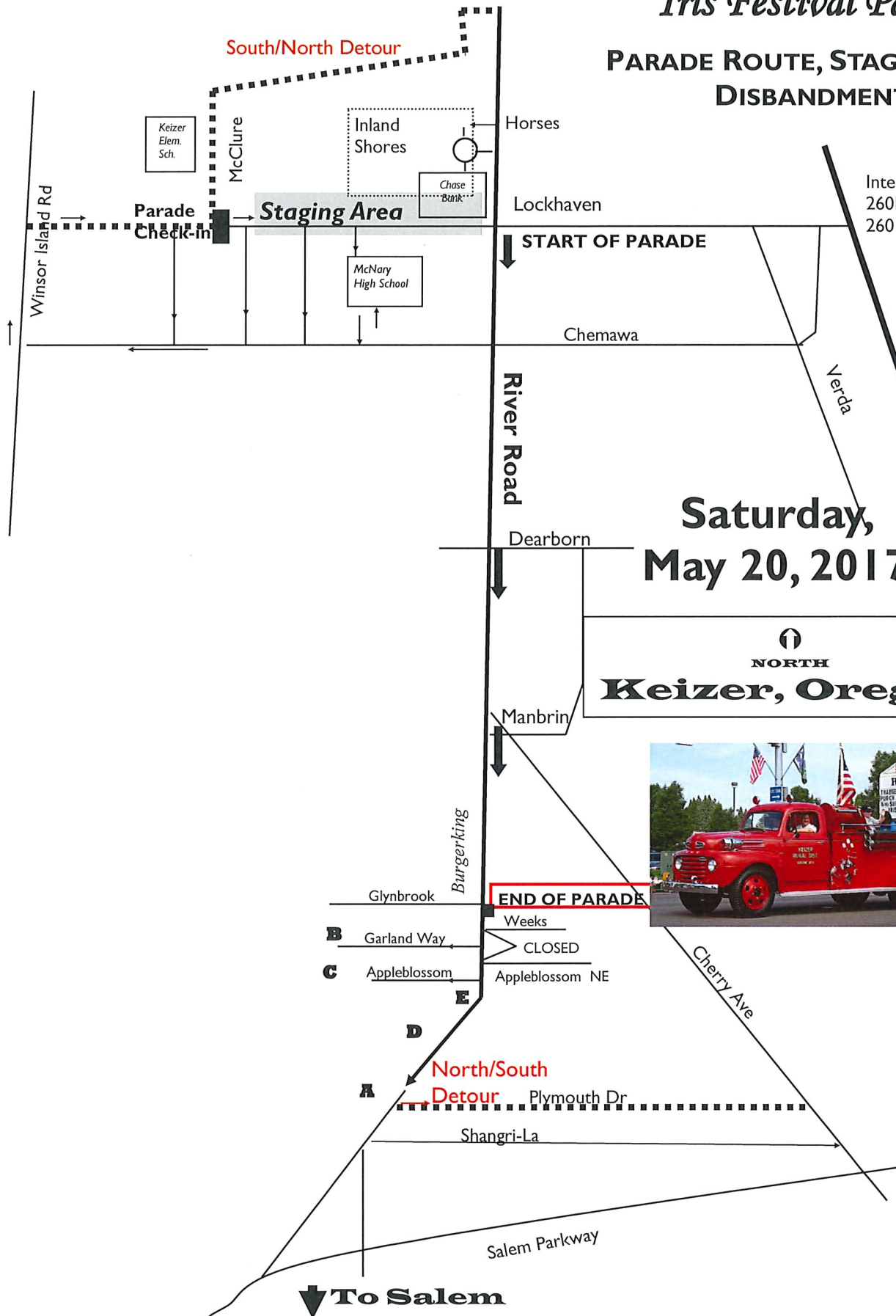




## PARADE ROUTE, STAGING, AND DISBANDMENT

**Saturday,  
May 20, 2017**

  
NORTH  
**Keizer, Oregon**



**Harms, Tammie**

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**From:** Lawyer, Bill  
**Sent:** Thursday, April 06, 2017 2:07 PM  
**To:** Wenning, Trevor; Davis, Tracy; Brown, Nate; Harms, Tammie; Johnson, Shannon; Jeff Cowan; Anne-Marie Storms; Teague, John  
**Cc:** Danielle Bethell  
**Subject:** RE: Message from "RNP002673C4C2D6"

**AmicusFileIds:** 163  
**AmicusFileName:** Iris Festival  
**AmicusId:** 42789  
**AmicusStatus:** Saved

I have no additional comments. Thanks for coving PW's access route with Danielle this morning Trevor, I appreciate it.

*Bill Lawyer*  
*Public Works Director*  
*503-390-3700*

**From:** Wenning, Trevor  
**Sent:** Thursday, April 06, 2017 2:04 PM  
**To:** Davis, Tracy; Brown, Nate; Harms, Tammie; Johnson, Shannon; Lawyer, Bill; Jeff Cowan; Anne-Marie Storms; Teague, John  
**Cc:** Danielle Bethell  
**Subject:** RE: Message from "RNP002673C4C2D6"

The police department is good with the following corrections which were discussed and agreed upon with Danielle Bethell this morning.

- Chambers memo – under street closures for Manbrin added language under location: "Birch Ave N to River Rd N"
- Permit – under proposed route: delete ~~Glynbrook~~ and add "Plymouth Dr NE"
- Permit – under disassembly location: added language: Glynbrook "south to Plymouth Dr NE"
- Maps – emergency access changed from proposed map to historical access which runs from River Rd through Ringo's parking lot to the festival grounds.
- Maps – map with color key: green area is not associated with run but will be vendor booths from Manbrin to Greenwood Dr NE
- Maps – Saturday activities on River Rd: deleted the mayor's 1k walk per Danielle Bethell
- Maps – parking on Cherry Ave: Manbrin to ~~Greenway~~ changed to "Greenwood"
- Map – parade route, staging and disbandment: horses not staging in Inland Shores. Currently working on staging and disbandment of equestrian groups.

As always if you have questions please let me know.

Sergeant Trevor Wenning  
Traffic Safety / School Resources  
Keizer Police Department  
503-390-3713 xt. 3508  
[wenningt@keizer.org](mailto:wenningt@keizer.org)

**From:** Davis, Tracy  
**Sent:** Monday, April 03, 2017 8:34 AM



**To:** Brown, Nate <[brownn@keizer.org](mailto:brownn@keizer.org)>; Harms, Tammie <[HarmsT@keizer.org](mailto:HarmsT@keizer.org)>; Johnson, Shannon <[JohnsonS@keizer.org](mailto:JohnsonS@keizer.org)>; Lawyer, Bill <[LawyerB@keizer.org](mailto:LawyerB@keizer.org)>; Jeff Cowan <[chief@keizerfire.com](mailto:chief@keizerfire.com)>; Anne-Marie Storms <[ASstorms@keizerfire.com](mailto:ASstorms@keizerfire.com)>; Teague, John <[TeagueJ@keizer.org](mailto:TeagueJ@keizer.org)>; Wenning, Trevor <[WenningT@keizer.org](mailto:WenningT@keizer.org)>  
**Subject:** FW: Message from "RNP002673C4C2D6"

Good Morning! Please find attached the special event permit for the annual Iris Festival. We will be putting together information to take to the City Council on Monday, April 17<sup>th</sup>. I will need to have your comments/approval no later than Monday, April 10<sup>th</sup>. Let me know if you need any additional information or have questions. Thank you. Tracy

**From:** [danielle@irisfestival.com](mailto:danielle@irisfestival.com) [<mailto:danielle@irisfestival.com>] **On Behalf Of** Danielle Bethell  
**Sent:** Friday, March 31, 2017 1:28 PM  
**To:** Davis, Tracy <[DavisT@keizer.org](mailto:DavisT@keizer.org)>  
**Cc:** Scott White <[scott.white7@comcast.net](mailto:scott.white7@comcast.net)>  
**Subject:** Fwd: Message from "RNP002673C4C2D6"

Hi Tracy,

Happy Friday!!

Attached our Iris Festival permit request, memo and layout of events. Please let me know if there are additional materials we need to submit.

What date are we scheduled to present to the council?

*Thank you, Danielle*

**Danielle Bethell, Executive Director**  
**Keizer Chamber of Commerce**  
Tel: (503) 393-9111  
[www.keizerchamber.com](http://www.keizerchamber.com) | [www.irisfestival.com](http://www.irisfestival.com)

## STAY CONNECTED



1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2 Resolution R2017-\_\_\_\_\_

3 AUTHORIZING TEMPORARY USE AND SIGNS SUBJECT  
4 TO CONDITIONS FOR IRIS FESTIVAL (2017)  
5

6 WHEREAS, the Keizer Development Code provides pursuant to Section  
7 2.203.04(E) that the City Council may by resolution authorize temporary uses and  
8 signage during a specific event or festival;

9 WHEREAS, the Keizer Development Code also provides that the Council may set  
10 forth the reasonable types of uses, zones and time restrictions;

11 WHEREAS, the Keizer Chamber of Commerce has requested the City to  
12 authorize a temporary use for the Iris Festival, including, but not limited to placement of  
13 temporary signage to promote such festival;

14 WHEREAS, the City Council has considered this matter and finds that it is  
15 appropriate to grant the request with certain restrictions necessary to protect the health,  
16 safety and welfare of the public;

17 NOW, THEREFORE,

18 BE IT RESOLVED by the City Council of the City of Keizer that the 2017 Iris  
19 Festival is authorized as a specific temporary use and the hours of operation and signage

1 for the 2017 Iris Festival is hereby allowed pursuant to the design, restrictions and  
2 conditions as set forth in the attached Exhibit "A" which is incorporated herein by this  
3 reference.

4 BE IT FURTHER RESOLVED that the City waives City fees in connection with  
5 this matter and provides Police/Public Works support and K23 coverage as a part of the  
6 City's sponsorship of the event.

7 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately  
8 on the date of its passage.

9 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

10 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

11

12

13

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15

16

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

## EXHIBIT "A"

### Design, Restrictions and Conditions

The City Council approves the proposed temporary use, hours of operation and signage for the 2017 Iris Festival as follows:

1. Except as set forth in this decision, the 2017 Iris Festival shall be located, operated and conducted pursuant to the Special Event Permit application submitted by the applicant dated March 31, 2017. Signs, banners, flags and balloons shall be limited to the locations and numbers identified in the application.
2. The 2017 Iris Festival may have 5 banners not to exceed 20 square feet advertising the event. The locations of such banners must have prior approval of the Community Development Director or designee. Such banners may be placed no earlier than April 26, 2017 and must be removed no later than May 31, 2017.
3. The 2017 Iris Festival may have hand signs and flags located adjacent to the main intersections along River Road and on participating business storefronts. No signs or flags may be placed without the property owner's permission. All hand signs and flags shall not exceed the allowable size as stated in the sign code. Such hand signs and flags may be placed no earlier than April 26, 2017 and must be removed no later than May 31, 2017 and may not obstruct any public road or sidewalk.
4. Signs, banners, flags and balloons shall be placed to ensure there shall be no traffic interference or distraction, and if deemed to be a hazard by the Community Development Director, shall be removed immediately upon notice. Balloons shall be placed in such a manner so as to not present a potential to damage light fixtures or landscaping.
5. No other signs are allowed.
6. No electronic signs of any type are allowed, unless required by the Keizer Police Department for safety reasons.
7. No signs, flags, balloons or other items may be placed in the right-of-way, except for banners referenced in Section 2. No signs shall be placed on private property without the specific permission of the private property owner. Placement of any yard sign in any public right-of-way or sidewalk easement shall cause the City to remove such signs immediately without notice. In such instance, the Iris Festival shall be billed for City staff time, including benefits.

8. All activities shall comply with Keizer Police Department/Public Works direction and requirements of Keizer Fire District.
9. Any signs, banners, flags and balloons not removed by June 1, 2017 may be immediately removed by City staff without notice and the Iris Festival shall be billed for staff time at the hourly rate of staff person removing the signage, including benefits.

**COUNCIL MEETING: April 17, 2017**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND CITY COUNCILOR MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: RESOLUTION AUTHORIZING TEMPORARY SUSPENSION OF  
STREET VENDOR ORDINANCE**

Ordinance No. 90-193 (An Ordinance Prohibiting Street Vendors) prohibits the selling of any commodity or service upon any street, sidewalk or public right-of-way. There is a provision that allows for suspension of such regulations during a festival. The suspension is done by a City Council Resolution. I have enclosed a Resolution for your consideration that allows street vendors from 8:00 a.m. to noon on the day of the Iris Festival Parade in any location. This Resolution also prohibits any interference with pedestrian, vehicular or parade traffic.

This is the same Resolution as the Council adopted last year.

On Page 3 of the March 31, 2017 memo from the Chamber attached to the application, the Chamber has recommended that the City limit mobile street vending during the parade to be exclusive to those who have registered with the festival. This issue has come up previously.

It is my recommendation that if the Council wishes to consider this for future years, that we put the matter on the agenda and determine if we want to amend the Ordinance. Though it is possible to take this course of action, the Ordinance would have to be amended and a process would have to be established to do so. The issue of cost, authority to register, and authority to enforce such regulations would need to be reviewed. If Council wishes to look at that issue, you should direct staff accordingly.

**RECOMMENDATION:**

Adopt the attached Resolution Authorizing a Temporary Suspension of the Ordinance Prohibiting Street Vendors.

Please let me know if you have any questions in this regard. Thank you.

ESJ/tmh  
attachment

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2017-\_\_\_\_\_

4  
5 AUTHORIZING A TEMPORARY SUSPENSION OF THE  
6 ORDINANCE PROHIBITING STREET VENDORS  
7

8 WHEREAS, the City of Keizer adopted Ordinance 90-193 in December, 1990 which  
9 prohibits street vendors in the City of Keizer;

10 WHEREAS, the Ordinance allows for suspension of these regulations during a festival;

11 NOW, THEREFORE,

12 BE IT RESOLVED that a temporary suspension of the Ordinance prohibiting street  
13 vendors is hereby granted and street vendors will be permitted on Saturday, May 20, 2017  
14 from 8:00 a.m. to noon.

15 BE IT FURTHER RESOLVED all vendors must have any necessary governmental  
16 permits and approvals.

17 BE IT FURTHER RESOLVED that at no time shall any person interfere with, impede  
18 or block pedestrian, vehicular or parade traffic in any manner whatsoever.

19 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately on the  
20 date of its passage.

21 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

22 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

23  
24 \_\_\_\_\_  
25 Mayor

26 \_\_\_\_\_  
27 City Recorder

**CITY COUNCIL MEETING: April 17, 2017**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: MUNICIPAL JUDGE REPORT – COUNCILOR CHECK IN**

At the May 18, 2015 Council meeting, the Council adopted the updated Municipal Judge Evaluation process. In accordance with such process, no later than the first City Council meeting in June each year, the Mayor is to announce two Councilors to attend arraignments and/or hearings and check in with the Judge for the upcoming year. The appointed Councilors are to report their observations to the Council at a regularly scheduled meeting.

On July 5, 2016, Mayor Clark appointed Councilor Parsons and Councilor Anderson to attend arraignments and/or hearings and check in with the Judge. Councilors Parsons and Anderson should give their verbal report to Council at tonight's meeting. If the Council deems it necessary, a formal evaluation between the Council and the Municipal Court Judge shall be scheduled, but it is not required. This process does not affect the Municipal Judge's position of validity, effectiveness or jurisdiction of the municipal court or the Municipal Judge.

**RECOMMENDATION:**

Councilor Parsons and Councilor Anderson should report their observations. Following the report, if the Council deems it necessary to hold a formal evaluation between the Council and the Municipal Court Judge, Council should direct staff to schedule the evaluation in executive session. The Mayor should then announce the two Councilors to attend arraignments and/or hearings and check in with the Judge for the upcoming year or direct staff to return with this matter at a date certain.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh



**CITY COUNCIL MEETING: April 17, 2017**

**AGENDA ITEM NUMBER:\_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER**

**FROM: E. SHANNON JOHNSON, CITY ATTORNEY**

**SUBJECT: CITY COUNCIL RULES OF PROCEDURE**

At the City Council meeting on April 3, 2017, the Council reviewed the draft Council Rules of Procedure and directed staff to prepare the Resolution to adopt the revised Rules. I have attached another copy of the marked up version for your convenience.

I made a small change to Section 6.2 (Recess) to match up to Council's traditional practice.

The Council Rules of Procedure attached to the Resolution does not have a provision relating to "guest councilor" program. It is my understanding that Council wanted staff to investigate this matter further and take it to the Volunteer Coordinating Committee (VCC) for input before returning to Council. I am providing information to VCC in that regard.

**RECOMMENDATION:**

Adopt the attached Resolution adopting the new Council Rules of Procedure.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh



# CITY COUNCIL RULES OF PROCEDURE

*Adopted by Council Resolution R2017-          ~~3-2369~~ on  
  ~~June 17, 2017~~<sup>3</sup>*

*~~Amended by Council Resolution R2013-2394 on October 21, 2013~~*

*~~Amended by Council Resolution R2014-           on October 20, 2014~~*



# CITY OF KEIZER COUNCIL RULES OF PROCEDURE

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## **SECTION 1 - AUTHORITY**

**1.1 Authority** - The Charter of the City of Keizer provides that the Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the Council until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd-number years following general elections. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules. The City Recorder shall retain the signature copy.

## **SECTION 2 - GENERAL RULES**

**2.1 Open Meetings** – All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law. No final action by the Council shall have legal effect unless the motion and the vote by which it is disposed of, take place at a proceeding that ~~is~~are open to the public.

**2.2 Ethics** – All elected officials will comply with Chapter 244 – Government Ethics of the Oregon Revised Statutes.

**2.3 Quorum** – A majority of the members of the Council shall constitute a quorum for its business, but no less than three Councilors may meet and compel the attendance of absent members. If a quorum is not present, those in attendance will be recorded, and the City Recorder will adjourn the meeting.

**2.4 Rules of Order** – *Robert's Rules of Order Newly Revised* shall govern all Council proceedings unless they conflict with these rules. The Council President will act as parliamentarian with support from the City Attorney when present.

**2.5 Suspension of Rules** –The vote to suspend the Rules of Procedure (including *Robert's Rules of Order Newly Revised*) requires a two-thirds majority vote of those members of the Council who are present, except as set forth in Section 6.1(~~k~~). If the motion is carried by a two-thirds vote, then the rules are suspended for that item only.

**2.6 Address by Council Members** – Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Manager. The City Manager may respond as requested or redirect the inquiry to a member of the staff.

**2.7 Seating Capacity and Safety Requirements** – The safe occupancy and seating capacity of the Council chambers as determined by the fire marshal shall be posted within the Council chambers. The limitations on occupancy and seating shall be complied with at all times. Aisles and emergency exits shall be kept clear at all times.

2.8 Building Access – For building security purposes, Councilors shall abide by applicable employee building access policies, including, but not limited to the allowance of visitors in the employee-only sections of City Hall.

### **SECTION 3 – COUNCIL MEETINGS**

**3.1 Regular Meeting** - The Keizer City Council will meet in regular session on the first and third Mondays of each month at 7:00 p.m. in the Robert L. Simon Council Chambers or at another place in the City which the City Council designates. If such date falls on a legal holiday (per ORS Chapter 187), the meeting shall be held at the usual hour and place on the following day.

**3.2 Work Session** – The Keizer City Council may hold a work session on the second Monday of each month in the Robert L. Simon Council Chambers or at another time or place in the City in which the City Council designates. Such sessions shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with **no vote** or **formal action** taken. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members present.

**3.3 Special Meeting** – The Presiding Officer, upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council. At least 24 hours notice shall be given for the meeting. Special meetings of the Council may also be held at any time by the common consent of all members of the Council. Only the subjects listed on the special meeting agenda may be acted upon.

**3.4 Emergency Meeting** – An emergency meeting of the City Council may be called by the Presiding Officer or City Manager on less than 24 hours' notice provided that an actual emergency exists. The minutes of the meeting must describe the emergency justifying less than 24 hours notice and why the meeting could not be delayed. Attempts will be made to contact the media to provide notice of the emergency meeting.

**3.5 Executive Session** – Executive sessions shall be held in accordance with Oregon law – ORS 192.660. Matters discussed in executive session shall be exempt from public disclosure pursuant to State Statutes. Executive sessions shall be closed to all persons **except** the City Council; persons reporting to Council on the subject of the executive session; the City Manager unless directed otherwise by the Council; City staff persons as allowed by the City Council to attend; news media representatives, unless excluded by the Public Meeting Law (e.g., media representatives may be excluded for discussions regarding labor negotiations); and other persons authorized by the City Council to attend. No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.



Prior to opening an executive session the Presiding Officer or City Attorney shall:

- announce the purpose of the executive session,
- the state statute authorizing the executive session,
- and a notification to all present, including the media, that matters discussed in executive session are not to be disclosed or reported to the public.

An executive session may be held during any open meeting for which proper notice has been given or outside of any regular meeting when properly noticed. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered.

**3.6 Cancellation of Meeting** - Upon a majority vote of the members of the City Council present, a meeting may be canceled when deemed appropriate. The Charter requires one regular meeting be held each month. Notice of cancellation shall be posted at City Hall, on the ~~bulletin board at City Hall~~, City's web site and social media sites, distributed to members of the media, and to ~~known interested~~ citizens requesting notice.

**3.7 Notice of Meeting** – The City Recorder shall provide:

- notice of the time,
- place, and
- agenda items for any gathering of the Keizer City Council.

Notice shall be posted ~~on the bulletin board at City Hall, posted~~ on the City's web site, delivered by mail or otherwise to members of the media, and other interested persons upon written request. Notice shall be given at least 24 hours prior to the meeting to members of the governing body, the public and media for any special meeting, unless the meeting is considered an emergency as defined by law. Notice of executive sessions shall cite the specific law that authorizes the executive session.

**3.8 – Americans With Disabilities Act** – All meetings of the Council shall be held in compliance with the Americans With Disabilities Act.

**3.9 – Attendance Duty** – It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Chapter VII – Section 29 that a Council office will be deemed vacant upon his or her absence from meetings of the Council for 60 days without like consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

- Illness;
- Family obligations;
- Employment requirements;
- Scheduled vacations; or
- Other city business

Telephonic, video or internet attendance does not ensure that all testimony, discussions, staff information and deliberations are available fully and equally. Therefore methods of attendance other than personal onsite attendance shall not be considered "in attendance" and a Council Member may not vote unless physically present at the meeting.

**3.10 – Excused Absence** – When any Council member cannot attend a meeting of the Council, the member shall notify the Presiding Officer prior to the meeting. If there are no objections from other Councilors, the Presiding Officer may announce the absence is for good cause and the absence shall be listed in the minutes as excused. If the City Council determines the absence is not for good cause, the absence shall be listed in the minutes as unexcused.

## **SECTION 4 – THE PRESIDING OFFICER**

**4.1 Mayor** – The Mayor shall preside at all regular, work sessions, special meetings and executive sessions of the City Council and shall be the recognized head of the City for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as Presiding Officer. In the absence of the Mayor, the Council President shall serve as the Presiding Officer. In the absence of both the Mayor and Council President, the office of both or either shall be filled pro tem by the Councilor with the longest continuous service on Council from the Councilors present and business transacted accordingly.

**4.2 Council President** – The Council shall elect a Council President from its members by majority vote of those Council members present. This shall occur at the first meeting of the Council in each odd-numbered year or before the position has been vacant for sixty (60) days. ~~the Council will elect a Council President from its members by majority vote of those Council members present.~~ The Councilor with the longest continuous tenure, who has not served as Council President previously, will be nominated. Others may be nominated from the Council, including the current Council President. In the event that no candidate receives a majority vote, a second vote will be conducted. The first place candidates shall be nominated. If there is only one first place candidate, such candidate and all second place candidates shall be nominated. If no candidate receives a majority vote, the candidates in the second vote will draw lots to determine the Council President.

Whenever the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor. ~~If t~~The Council President wishes to do so, he/she may~~will~~ initiate a motion for all prepared resolutions, orders and ordinances and the consent calendar unless another Councilor has requested to do so or initiates s the action.

**4.3 Sergeant at Arms** – The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms. In the absence of the Council President, the Sergeant at Arms will be filled by the Councilor with the longest continuous service on Council from the Councilors present.

## **SECTION 5 – DECORUM AND ORDER**

**5.1 Presiding Officer** – During Council meetings, the Presiding Officer shall enforce the rules of the Council. In addition, the Presiding Officer has the authority to preserve decorum and decide all points of order, subject to appeal to the Council. The Presiding Officer shall enforce order, prevent attacks on personalities or impugning members' motives, and keep those in debate to the question under discussion.

**5.2 Councilors** – Council members shall preserve order and decorum during Council meetings, and shall not by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Council members shall when addressing staff, council members or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, should not impugn the motives of any speaker. Council members shall at all times conduct themselves in a manner appropriate to the dignity of their office. Council may determine by simple majority the appropriateness of a particular event or action. However, no Council member will be required to take part in an event or action that he/she believes inappropriate or undignified.

The Mayor is the official spokesperson for the Council. Unless specifically authorized by the Mayor or the Council, Councilors shall not make any representations on behalf of the City. However, nothing shall prevent a Councilor from expressing their own individual thoughts and opinions when specifically identified as not a representation of the City or the Council's position.

**5.3 Staff and Public** – Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

**5.4 Removal of Any Person.** Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the Councilors present. The Presiding Officer may direct the Sergeant at Arms to prevent further interruption by such person by any action necessary including the removal of that individual. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed.

## **SECTION 6 – ORDER OF BUSINESS AND AGENDA**

**6.1 Order of Business** - The general rule to the order of business at regular meetings of the City Council will be:

- a) **Call to Order** – The Presiding Officer shall call the meeting to order.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor's attendance or absence in the record, under the guidelines as set forth in Section 3.9 and 3.10 to establish a quorum is present to conduct business.
- c) **Flag Salute** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Special Orders of Business** – Oaths of office, awards, proclamations, and  
aAgenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except Flag Salute, at the discretion of the Presiding Officer.
- e) **Committee Reports** – Scheduled presentations, presentations by City committee members, and appointments to City committees, ~~oaths of office, awards, and proclamations.~~
- f) **Public Testimony** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda scheduled for public hearing, during this portion of the meeting.
- g) **Public Hearings** – A public hearing shall be held on each matter required by state law or City policy. Written and oral testimony shall be heard prior to Council action. (Procedures for public hearings are addressed in Section 8 of these procedures.)
- h) **Administrative Action** – Items that require formal action or Council direction on issues presented by staff.
- i) **Consent Calendar** – The consent agenda shall consist of a list of routine; non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion. Council members who wish to remove an item from the consent calendar shall do so prior to the motion to approve the items. Any item removed from the consent calendar shall be discussed and acted upon following approval of other consent agenda items.
- j) **Council Liaison Reports.** Time provided for members of the Council to present Council liaison reports.

- k) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not be specifically listed on the agenda, but formal action on these matters will be deferred until a subsequent Council meeting. This rule may be suspended ONLY if the matter is deemed urgent by two-thirds majority vote of the Council members present and cannot wait until the next special or regular City Council meeting. A motion to reconsider a previous motion may be acted upon without suspension of the rules, as outlined in Section 12.6.
- l) **Written Communications** – Opportunity to inform the Council on **significant** written communications and petitions.
- m) **Agenda Input** – Issues for upcoming Council meetings shall be announced by the Presiding Officer.
- n) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

The Presiding Officer may adjust the Order of Business.

**6.2 Recess** – If there are no objections from the Councilors, tThe Presiding Officer may recess any meeting of the Council ~~upon the consensus of the majority of the members present.~~ The Presiding Officer shall announce the time in which the meeting shall reconvene.

**6.3 Agenda Distribution** – General practice will be copies of agendas for regular meetings shall be distributed not later than five (5) calendar days prior to the meeting to members of the Council, staff, news media, neighborhood associations and interested citizens who have requested the agenda. Council members with questions, concerns or suggestions are encouraged to communicate those to Department Directors~~staff by~~ no later than three (3) days before the meeting.

**6.4 Councilors Placing an Item on the Agenda** – A Councilor wishing to place an item on the agenda will advise the City Manager no later than seven (7) days prior to the regular meeting at which the item is to be considered. Such request to add an item for Council consideration shall require consent from two or more additional Council members to add the item.

**6.5 Special Accommodations** – All Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans With Disabilities Act and that persons needing accommodations may contact the City Recorder 48 hours prior to the meeting time to request the necessary accommodations. Such notice shall provide the telephone number at which the City Recorder may be contacted.

## **SECTION 7 – PUBLIC TESTIMONY**

**7.1 Public Testimony Generally** - Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public testimony during each regular session of the Council. Participants must use a microphone and state their name and city of residence for the record prior to addressing Council. Testimony will be limited to five minutes. No yielding or ceding of time is allowed. The Council may request further information be presented to the Council on such date and in such manner, as it deems appropriate. Items brought before the Council from the public during public testimony may be referred to the staff for appropriate action and a report returned to the Council, if requested. Such procedure should not prevent the staff, Mayor, or City Council from answering directly to a citizen inquiry at the time it is brought before the Council.

**7.2 Roster** - All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the City Recorder, indicating the name of the person, the address of the person, and the subject of public concern on which the persons or groups wishes to address the Council. Those who have not signed the roster may address the Council at the discretion of the Presiding Officer.

**7.3 Complaints and Suggestions to the Council** - When any citizen brings a complaint before or makes a suggestion to the Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, the City Manager or an advisory body for study and recommendation.

(2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer shall then refer the complaint directly to the City Manager for his or her review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when his/her review has been made.

**7.4 Council Shall Carefully Consider All Testimony** – All Council Members should give those presenting testimony their undivided attention. Sidebar conversations should be kept to a minimum.

## **SECTION 8 – PUBLIC HEARINGS**

**8.1 Public Hearings** - A public hearing shall be held on each matter required by state law or City policy. The Presiding Officer shall preside over the hearing and announce the type of hearing and the guidelines for the hearing. The Presiding Officer shall declare the hearing to be open and invite the City Manager or member of the staff to present the staff report together with any petitions, letters, or written comments on the matter.

**8.2 Testimony** – Members of the audience may present oral testimony on the matters scheduled for public hearing. The Presiding Officer will call forth members of the audience who have signed up to present testimony under the guidelines specified at the opening of the hearing. If appropriate, the Presiding Officer may first ask those persons in favor of the matter to come forward, with those speaking in opposition coming after.

~~Except as stated otherwise, all testimony, except for the applicant, will be limited to five minutes per person. The applicant's testimony will be limited to a total of thirty minutes. The applicant may reserve all or any portion of the applicant's testimony to use as rebuttal. Multiple applicants and their representatives shall share the thirty minutes.~~ The Presiding Officer may further limit testimony if a speaker persists in being threatening and disorderly, or abusive, following a warning to that effect from the Presiding Officer. Upon being recognized by the Presiding Officer, any member of the Council or the City staff may ask questions of any speaker. **Upon closure of the hearing, no further testimony will be allowed.**

**8.3 Testimony - Land-Use Public Hearings** – In addition to the procedures outlined above, during a quasi-judicial hearing the speaking order will be:

- ~~I~~The applicant will be allowed to testify first. ~~The applicant's testimony will be limited to a total of thirty minutes. The applicant may reserve all or any portion of the applicant's testimony to use as rebuttal. Multiple applicants and their representatives shall share the thirty minutes.~~
- ~~T~~hen anyone who wishes to present evidence in favor of the application.
- ~~F~~ollowed by anyone presenting evidence in opposition or to provide general information.
- Subject to time limits, t~~The applicant in the case will be offered an opportunity for rebuttal.~~

The Council, by minute motion, may increase or decrease the time limits set forth in Section 8.2 and 8.3.

**8.4 Attorney Representation** – Any person attending a hearing has the right to be represented by an attorney.

**8.5 Closing of Hearing/Council Deliberation** – The Presiding Officer shall either close the hearing or continue it to a date and time certain for presentation of further evidence or argument. Upon closing the hearing, the Council may deliberate on the matter immediately, or may deliberate on the matter at a later time. During deliberations, the Council may request advice from the City Manager or staff as to the consequences and



implications of the proposal or alternatives thereto based upon the facts presented during the hearing.

**8.6 Reopening a Hearing** – If it appears that substantial new factual material is necessary to reach a decision on the matter, the Council may, by majority vote, order the hearing reopened or refer the matter to a hearing before the City Hearings Officer or the City Planning Commission for further development of the record. In either case, a new notice of hearing shall be given.

## ***SECTION 9 – PROCEDURE FOR LAND-USE APPEALS***

**9.1 Decisions Appealable** – Where final decision authority is granted to the Zoning Administrator, Planning Commission or Keizer Hearings Officer as defined by the Keizer Development Code, such decision shall be final unless the City Recorder receives a Notice of Appeal to the Council pursuant to Section 3.207 of the Keizer Development Code.

**9.2 Notice of Appeal** – Every notice of appeal shall contain the material required and the fee as listed in the appeal provisions outlined in Section 3.207 and 3.208 of the Keizer Development Code.

**9.3 Public Hearing Date and Notice** – Upon receipt of an appeal of a decision of the Zoning Administrator or Hearings Officer, the City Recorder shall set a date for public hearing before the City Council not less than 30 days from the receipt of the appeal. Notice of the hearing shall be in accordance with the guidelines set forth in Section 3.204 of the Keizer Development Code.

**9.4 Hearing by Council** – The Council shall conduct a public hearing on the appeal at the time and place designated on the notice of hearing. The public hearing shall be conducted in accordance with the provisions of Section 3.2065.03 ~~through 3.205.06~~ of the Keizer Development Code and with the adopted Council Rules of Procedures. The appellant or a designated representative shall appear at said hearing and offer justification of the appeal. If the appellant or representative fails to do so, the appeal shall be denied.

**9.5 Decision of Council** – The City Council may affirm, amend, or reverse the action of the Hearings Officer, Planning Commission or Zoning Administrator and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and as provided for in the Keizer Development Code. The City Council may also remand the matter back to the Hearings Officer, Planning Commission or Zoning Administrator for additional information, subject to the agreement of the applicant to extend the 120-day review period.

**9.6 Appeal Fee** – An appeal fee established by the City Council shall be required to defray costs incidental to the proceedings and shall be paid at the time of filing an appeal. The appeal fee shall be determined by the City Council. ~~This fee is not~~



~~refundable unless the City Council upholds the appeal and reverses the order of the Hearings Officer or Zoning Administrator. However, the Council may refund some or the entire appeal fee, at its discretion, if a decision is not reversed but the conditions of approval are substantially revised.~~

## **SECTION 10 – CONFLICT OF INTEREST OR OTHER DISQUALIFICATIONS**

**10.1 Conflict of Interest** – In every case in which a Councilor is faced with a potential conflict of interest or an actual conflict of interest as defined in state law, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the conflict, shall remove themselves from the Council Chambers and refrain from both participation in the discussion and the vote on the issue. However, if the Councilor is a direct party on the issue, they will be allowed to remain in the Council Chambers.

~~A **potential** conflict of interest would be any action, decision, or recommendation in which the effect **could** be to the private pecuniary benefit or detriment of the Councilor or relative of the Councilor or any business which the Councilor or Councilor's relative is associated.~~

~~An **actual** conflict of interest would be any action, decision, or recommendation in which the effect **would** be to the private pecuniary benefit or detriment of the Councilor or relative of the Councilor or any business which the Councilor or Councilor's relative is associated.~~

**10.2 Bias** –In quasi-judicial cases, Councilors should recuse themselves from any decision or discussions if they have a prejudice or prejudgment of the facts to such a degree that the Councilor is incapable of rendering an objective decision on the merits. Members of the Council should avoid voicing an opinion prior to the testimony ~~and avoid ex parte contacts.~~

**Exception:** *If the recusal results in a lack of a quorum for a decision that has to be made immediately, the Council member may be counted for the purpose of establishing a quorum, however the member must abstain from voting.*

**10.3 Ex Parte Contact** – Ex Parte ~~communications~~contacts only apply in a quasi-judicial case. Members of the Council should avoid any communication outside of the public hearing ~~with any party, including other Councilors~~process with the applicant or an outside party on land use applications. A site visit is not considered an ex parte contact unless there is communication with an outside party or if information is gained from the visit that could be a factor in future decisions. Any ex parte contact, including the nature of the contact and the information obtained, should be disclosed at the beginning of the public hearing, and again at each continued public hearing.

**10.4 Absence at Public Hearing** – A member of the Council shall not participate in the discussion or vote on a quasi-judicial land use application when they were not present during the public hearing.

***Exception:*** *If the Council member has reviewed the audio or video tape recordings of the proceedings and any evidence presented at the hearing, the Councilor may participate in the discussion and vote on the matter, following their announcement that they have done so.*

## **SECTION 11 – INTERNAL OVERSIGHT**

**11.1 Internal Oversight.** The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council Member act in any manner constituting a substantial violation of these rules, City Ordinance or Charter, or other general laws, the remaining Council Members may issue a censure or memorandum of concern pursuant to the following procedure:

- a) The process is initiated by a written statement by a Council Member explaining the alleged misconduct of a Council Member and if true, why disciplinary action is needed. Two Council Members must date and sign the statement and deliver the original to the City Manager. The City Manager shall then place the matter before the Council at the next regular Council meeting if the written statement is submitted to the City Manager not later than five (5) calendar days prior to such meeting, otherwise the matter shall be placed on the agenda for the following Council meeting.
- b) An affirmative vote by five (5) or more members of the Council shall initiate an investigation. An affirmative vote by a Council Member shall not indicate that such Member believes the truth of the statement and/or the reasoning behind a proposed sanction, but merely that further investigation is warranted under the criteria set forth in subsection c) below. The Council Member in question shall not take part in the discussion or the vote.
- c) If initiated, an investigation shall be conducted by a committee consisting of three Council Members appointed by the Council. Two additional Keizer residents shall be included if the Council Member being investigated makes such request. Such residents shall be selected by the Council. The investigation shall be completed within 30 days of being initiated by the Council. The Committee shall review whether the alleged misconduct occurred, and if so whether the alleged misconduct occurred while acting in their official capacity as a City Council member, including, but not limited to the following instances:
  1. During a city meeting or while representing the City of Keizer;
  2. City Council Member announced that they were a City Council Member (and therefore infers that conduct is as a City Council Member);

3. Conduct occurred in writing available to the public (social media, newspaper) as identified as a City Council Member.
- d) If misconduct is found unanimously by the members of the City Council Committee, the Committee would present the investigation conclusion to the Council with a recommendation of any sanctions. Sanctions could include
  1. A memo of concern from the full City Council, or
  2. Censure.
- e) The Council shall vote on the Committee recommendation. A memorandum of concern would require a four (4) member vote of the Council; a censure would require at least a five (5) member vote. The Council Member in question shall not take part in the discussion or the vote.
- f) If misconduct is not found unanimously by the City Council Committee, a public report of the Committee findings will be presented to the City Council during a Council meeting. A copy of that report will be given to the Council Member who was investigated.

## **SECTION 12 – ORDINANCES, ORDERS, RESOLUTIONS, AND MOTIONS**

**12.1 Form** – All Ordinances, Orders, and Resolutions shall be presented to the Council in print or type-written form.

**12.2 Signing Of Official Documents** - The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond. The Council President shall perform these functions whenever the Mayor is unable to perform the functions herein.

**12.3 Enactment of Ordinances** – All ordinances will be enacted pursuant to Chapter VIII of the Keizer City Charter except that if the Mayor is unable to perform the functions of the office, the Council President shall act as mayor pursuant to Chapter IV, Section 18 of the Keizer City Charter, including, but not limited to, signing of ordinances, resolutions and other documents.

**12.4 Motion** – Any Councilor ~~making~~moving a motion to be considered by the Council shall state the motion with clarity, specificity, and brevity so the matter is clearly understood.

### **12.5 Procedures In Handling Parliamentary Motions**

- a) To ~~make~~move a motion, a Councilor must be recognized by the Presiding Officer at a time when there is no other business on the floor. The Councilor then says, "I move adoption of an ordinance..." or "I move approval of a resolution..."

- b) Another Council member seconds the motion. This can be done without being recognized by the Presiding Officer. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second and the Presiding Officer calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.
- c) The Presiding Officer states the question on the motion. This procedure is necessary for the motion to come before the Council. Prior to this step, the Presiding Officer can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Presiding Officer states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Presiding Officer to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.
- d) Debate then takes place on the motion. The original mover is entitled to the floor first. **Each member has the right to speak and to rebut any other speakers, but should not have the floor the second time until all who wish have spoken once.** Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.
- e) The Presiding Officer then puts the question to a vote. When the debate appears to have closed, the Presiding Officer asks "are you ready for the question?" If no one claims the floor, the Presiding Officer restates the motion and calls for a vote.

**12.6 Motion for Reconsideration** - Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any Councilor who voted with the majority **or who was not present at the time of the vote**, may move for reconsideration of an action at the same or at the next regular meeting of the Council. A vote of reconsideration requires a **majority vote of those Councilors present**. A vote for reconsideration shall take place at the same meeting when there is no other business on the floor or at the next regular meeting of the Council under the Other Business portion of the meeting. A motion for suspension of the rules is not required. After a matter has been reconsidered, it shall not preclude the issue from being raised in the future, but not before the next regular meeting.

## **SECTION 13 – VOTING**

**13.1 Voting** – Unless a different voting requirement applies, the concurrence of a majority of the members of the Council in attendance, voting when a quorum of the Council is present shall decide any question before the Council. The Presiding Officer will have a vote on all questions before the Council. It is considered inappropriate for members to explain their action once the vote has been called for and until after the vote has been taken.

**13.2 Abstentions** – Any Councilor abstaining should state the reason for the abstention. An abstention does not count as either an affirmative or negative vote and shall not be counted toward the number of votes required to pass or reject a motion.

**13.3 Methods of Voting** –The standard is the voice vote, however the Presiding Officer may decide the type of vote unless directed otherwise by a majority of the Council.

- **Voice Vote**: This is the standard method when no more than a majority vote is required. The ayes are called for first and then the nays.
- **Show of Hands**: This can be used as an alternative to a voice vote, in verifying an inconclusive voice vote or when a two-thirds vote is required for adoption.
- **Vote by Written Ballot**: This is another method that is normally used only in cases of elections or a matter where initial confidentiality is needed. Each Councilor shall place their signature on the ballot and the results (including each Councilor's specific vote) must be made public immediately following the vote.
- **Roll Call**: In this method, the City Recorder calls the name of each Councilor and the Councilor responds with his or her vote on the matter. Council members will be called by position number, with the Mayor being called last.

**13.4 Unanimous Consent**: The Presiding Officer may use unanimous consent as a voting method if it appears that all of the Council members present agree on a particular position or direction. If any Councilor objects, a formal vote shall be taken.

**13.5 Voting Required**: Every member of the Council that is present when a question is addressed shall vote for or against the question, unless he or she abstains for just cause (conflict of interest, bias, etc.).

**13.6 Voting Results**: The Presiding Officer announces the voting result. This step is always included to ensure Council understanding of the outcome and so that the Recorder will be able to accurately reflect the outcome in the minutes. If a motion ends in a tie, the motion will be considered lost.

**13.7 Changing Vote**: A Council member has the right to change their vote up to the time the vote is finally announced. After that, they can make the change only by permission of the Council, which may be given by unanimous concurrence of Council. If an objection is made, a motion may be made to grant the permission. The motion is undebatable.

## ***SECTION 14 – MINUTES***

**14.1 Recording of Minutes**: Minutes are the official record of the City Council meetings. They record the substance of a meeting and are a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript, and the meeting does not have to be sound recorded unless otherwise required by law. For practical purposes, however, it is general practice to sound record the meetings of the City Council for back up

reference. Reporting actions taken is the single most important segment of the final minutes. The minutes are to include, at a minimum:

- a) Kind of meeting (regular, special, work session, etc.)
- b) The name of the body meeting (City Council, Urban Renewal Agency, Budget Committee, etc.)
- c) Date of the meeting and place where it is held.
- d) Name and title of Presiding Officer (usually the Mayor).
- e) All motions (main, amendments, withdrawals, etc.), with dispositions, with the name of the mover and, if applicable, the name of the seconded.
- f) Members present.
- g) Proposals, resolutions, orders, ordinances, and measures proposed and their disposition.
- h) Results of all votes and the vote of each member by name, including abstentions.
- i) The substance of any discussion on any matter.
- j) The name and City of residence, if available, on any person appearing before the City Council to offer testimony, and the substance of such testimony.
- k) Exhibits or written testimony subject to ORS 192.410 to 192.505.
- l) Reference to the appropriate ORS section under which an executive session was held.
- m) The signature of the individual taking the minutes.
- n) Signature lines for the Mayor and the Councilors.

**14.2 Distribution of Minutes:** Draft minutes are distributed to the City Council with the agenda on which those minutes appear as an item for approval. However, because the minutes are generally completed in draft form prior to distribution of the agenda packets, the minutes are available for earlier review should the need arise.

**14.3 Correction and Approval of Minutes** - Approval of the minutes usually take place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the Consent Calendar. If minor changes are made to the minutes, a Councilor may offer such amendment prior to the Consent Calendar being approved. For extensive amendments, the minutes should be pulled off the Consent Calendar for consideration. All corrections that appear will appear in the minutes of the meeting when the changes took place. If a member of the Council is absent from the meeting, such member can pull the minutes from the Consent Calendar for consideration and announce their absence and abstain from voting for approval of the minutes or they can read the minutes prior to the meeting and vote for approval as part of

the Consent Calendar. When a Councilor is absent and pulls the minutes from the Consent Calendar to abstain from voting for approval of the minutes, the word “absent” shall be printed in place of a signature.

If a Councilor has a concern over the reporting of minutes, it is that Councilor’s responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played, if necessary. It is not appropriate to expend staff time when only one member of Council is requesting the review.

**14.4 Reading of Minutes:** Unless the reading of the minutes of the previous Council meeting is requested by a majority of the Council, such minutes may be approved without reading if copies thereof have been previously furnished each Council member.

**14.5 Executive Session Minutes** – Minutes from Executive Sessions held pursuant to ORS 192.660 will be kept in the form of a tape recording. No transcription of Executive Session minutes will be made unless otherwise required by law.

## ***SECTION 15 – PROCLAMATIONS***

**15.1 Request for Proclamations** – Organizations or citizens requesting proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals on certain projects, shall be filed with the City Recorder. Upon receipt, the City Recorder will notify the Mayor of the request. If the Mayor approves the request, the City Recorder will prepare the proclamation for the Mayor’s signature.

**15.2 Reading of Proclamations** – It will be at the discretion of the Mayor if a proclamation will be read at a City Council meeting or presented to the organization or group. It is preferred that a representative of the requesting organization be present to receive the proclamation.

## ***SECTION 16 – COUNCIL VACANCIES/APPOINTMENTS***

**16.1 Vacancy of Council Position** – Chapter VII – Section 29 of the Keizer City Charter outlines circumstances in which a Council position may become vacant. Vacant elective offices shall be filled by appointment. A majority vote of the remaining members of the Council shall be required to validate the appointment. Upon validation, the appointee’s term of office shall begin and continue throughout the unexpired term of the predecessor.

**16.2 Vacancy of Mayor Position** – In the event the office of the Mayor becomes vacant, the Council President shall become Mayor. A new Council President shall be nominated accordingly from the remaining members of the Council. The Council then shall appoint a Councilor to fill the vacancy as set forth below.

**16.3 Declaration of Vacancy** – The vacant position shall be declared vacant by Resolution.

**16.4 Process for Appointment** – Upon declaration of the vacancy, the Council shall adopt a timeline for the appointment process. A press release will be issued inviting members of the community, who meet the qualifications as outlined in the Charter, to submit a letter of interest and resume. Only candidates who have submitted the letter and resume by the deadline determined by the Council may be considered. Within 45 days of the declaration of vacancy, the Council shall appoint the replacement Councilor as set forth in this Section.

**16.5 Presentation Process** – The candidates shall be invited to make a presentation before the City Council. The presentation process is as follows:

- a) Presentation length: Five minutes. There is to be no discussion or questions by the Council whatsoever, except for the written questions noted below.
- b) Order of the presentations: Drawn from the official bucket.
- c) Candidates will be requested to sequester themselves outside the Council Chambers until time for their presentation so they will not gain advantage by listening to the other candidates. They may remain in the audience after their presentation.
- d) Each of the six current council members may submit a written question to be given the candidates. The candidates may choose to address the questions in their presentations. The deadline for submittal of the questions shall be one week before the presentation.
- e) Following close of the presentation, all candidates who have submitted a letter of interest and resume shall be considered and formal nominations shall not be made.

**16.6 Appointment Vote** – The Presiding Officer or City Attorney shall review the appointment process with members of the audience prior to any votes being taken. Written ballots shall be prepared containing the names of all of the candidates. The following voting process will be followed:

- a) Each of the remaining members of the Council shall select one candidate and mark their ballot accordingly. If one candidate receives the majority of the votes of the remaining members of the Council, such candidate shall be appointed to fill the vacant position.
- b) If no candidate receives a majority vote of all remaining members of the Council on the first ballot, a second ballot shall be distributed. The second ballot shall contain the names of the two candidates receiving the most votes from the first ballot, unless a tie resulted from the first ballot. In a first place tie situation, all



first place candidates will be placed on the second ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on the second ballot. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving a majority of the votes of the remaining members of the Council shall then be appointed to the vacant position.

- c) If no candidate receives a majority vote of all remaining members of the Council on the second ballot, a third and final ballot shall be distributed. The third and final ballot shall contain the names of the two candidates receiving the most votes from the second ballot, unless a tie resulted from the second ballot. In a first place tie situation, all first place candidates will be placed on the third and final ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on a third and final ballot. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving the majority of the votes of the remaining members of the Council shall be appointed to the vacant position. In case of a tie vote on this third and final vote, the Council will select the replacement Councilor according to the procedure outlined in Section 16.7 – Tie Votes – Appointment Process.
- d) By Resolution, the Council shall validate the appointment.

**16.7 Tie Votes – Appointment Process** – If no candidate receives a majority vote of all remaining members of the Council on the third and final vote, the names of the two candidates receiving the most votes from the third and final ballot will be placed in an official city bucket, unless a tie resulted from the third and final ballot. In a first place tie situation, all first place candidates will be placed in the official city bucket. If there is a one first place candidate and tied second place candidates, then all first and second placed candidates' names will be placed in the official city bucket. The City Recorder will draw the successful name.

**16.8 Tie Votes – Council Election** – When two or more candidates running for the same Council position, have an equal and the highest number of votes, the successful candidate will be determined by a drawing of lots. Upon confirmation of a recount by the Marion County Elections Division, this determination shall take place at the first regularly scheduled meeting after such recount confirmation. The Council will use the same process to determine the successful candidate as outlined in Section 16.7 – Tie Votes – Appointment Process.

## **SECTION 17 – CREATION OF CITY COMMITTEES, BOARDS AND COMMISSIONS AND COUNCIL COMMITTEES AND AD-HOC TASK FORCES**

**17.1 Citizens Committees, Boards and Commissions.** ~~--~~ At any time, the Council may by resolution establish any City Board, Commission or Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as members. Unless otherwise provided, all City Boards, Commissions, and Committees so created shall sunset at the end of their mission, but in all events shall be reviewed ~~every four years~~ in January of odd numbered years, prior to Councilor liaison appointment.

**17.2 Membership Appointment** –The Volunteer Coordinating Committee is the only standing City Committee that receives members by direct appointment from the City Council. Each City Councilor will make a one-member appointment to the Volunteer Coordinating Committee as allowed in Council Resolution 2001-1295 for a ~~two-year~~ term ending at the same time as such Councilor's term. If a Councilor leaves office prior to the end of the Councilor's scheduled term, the replacement Councilor shall appoint a member to the Volunteer Coordinating Committee. Except for Councilors, ~~a~~All other applicants for City Boards, Commissions, Committees or any group (other than Council Work Groups, Task Forces, or Outside Committees) will be recommended by the members of the Volunteer Coordinating Committee who will receive, review, and process written applications and forward recommendations to the Council for appointment consideration, unless the Resolution, Ordinance, or State Statute defines the appointment process differently. The Mayor shall make the Councilor appointments for all Committees, Task Forces, Boards, Outside Committees or any other groups at the first meeting in January every odd numbered year or when necessary.

**17.3 Qualifications** - No appointee may serve on more than two City Boards, Commissions or Committees at any one time, without Council approval. Budget Committee members are required to be appointed from the electorate. All of other City Boards, Commissions, Committee or Task Force members shall be appointed pursuant to Council Resolution or Ordinance.

**17.4 Removal of Members of Committees, Boards, and Commissions** – The Council may remove any member of any committee, board, ~~or~~ commission, task force or any other group by a vote of at least a two-thirds majority of the Council. All members of City Boards, Commissions or Committees serve at the pleasure of the Council except as otherwise provided by law. All Council seats on City Boards, Commissions or Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission, ~~or~~ Committee, Outside Committee, or any other position as City representative occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed by the Mayor as a replacement.

**17.5 Council Task Forces** - Council Ad-Hoc Task Forces may be created at any time by resolution. All Council Ad-Hoc Task Forces shall have a City Councilor as Chair who shall be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Appointment of the members to Task Forces shall be by majority vote of the Councilors present. Such Task Force shall report to the Council without unnecessary delay upon matters referred to them. All Council Ad-Hoc Task Forces so created shall sunset at the end of their mission, but in all events shall be reviewed in January of odd numbered years prior to Councilor liaison appointment.

**17.6 Meetings Subject to Oregon Open Meetings Law** - All meetings of any City Boards, Commissions, Lay-Committees, Council Committee, Task Force, or Work Group shall be subject to and comply with the Oregon Public Meetings law, ORS 192.610-192.710.

**17.7 Registry** - The City Recorder shall prepare, keep current and retain on file in the Office of the City Recorder a list of all appointees to all City Boards, Commissions, Committees, ~~and~~ Council Ad-Hoc Task Forces, and any other group, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers. All Councilors shall be given a copy of this list at least every two years~~once yearly~~, or upon any substantial change in membership of any City Board, Commission, Committee or Council Task Force.

**17.8 Youth Councilor** – Each school year one youth Councilor and deputy youth Councilor may be appointed as ~~a~~-non-voting members of the Council. The youth Councilor and deputy youth Councilor shall not attend executive sessions. To receive this appointment the candidates s must be ~~a~~-Keizer residents s who are~~is~~ either attending high school or ~~a~~-registered home schooled students s. The appointments s shall be by majority vote of the Councilors present, following ~~a~~-recommendations s from the Volunteer Coordinating Committee. The deputy youth Councilor may substitute when the youth Councilor is unavailable. Both the youth Councilor and deputy youth Councilor may be assigned roles and positions by Council.

**17.9 Youth Liaison** – Each school year one youth Liaison may be appointed as a non-voting member to any City Board, Committee, or Commission. To receive this appointment the candidate must be a Keizer resident who is either attending high school or a registered home schooled student. The appointment shall be by majority vote of the Councilors present, following a recommendation from the Volunteer Coordinating Committee.

**17.10 Outside Committees** – Outside Committees are those committees, boards, commissions and other types of groups not created by the City Council. They include both governmental entities, as well as non-profit organizations; e.g., Keizer Rotary, Keizer Chamber of Commerce, Salem-Keizer Area Transportation Study, Mid-Willamette Valley Council of Governments, etc. For non-Councilor appointments, the Council shall determine the appointment, following recommendation by the Volunteer Coordinating Committee. The Mayor shall appoint Councilors to liaison and non-liaison

positions ~~for and~~ outside committees the first meeting in January every odd numbered year or when necessary. Each Councilor shall keep the Mayor and Councilors informed of ~~the Councilor's~~ involvement in ~~any and all other committees, task forces, appointments, etc. of other groups, agencies or jurisdictions~~ all outside committees. The particular outside committee shall determine any attendance requirements and other matters concerning membership, voting, and procedure, subject to Council approval. Non-liaison (voting) Councilor positions may not be substituted by another Councilor, unless such outside committee's rules specifically allow for such substitution.

Nothing contained herein shall prevent a Councilor from being a member of any type of committee outside of these provisions. However, such membership shall be as a private citizen and not as a representative of the City of Keizer.

**17.11 City Committees/Councilor Liaisons** – Councilor liaison positions on City committees, boards, commissions, and task forces are non-voting. Councilor liaisons shall generally provide avenues of communication between their committee and the Council and shall update the Council on the general status of such committee. Generally speaking, Councilors in liaison positions should refrain from expressing opinion on specific policy issues under consideration by the committee unless it is to relay known City Council positions on a particular matter.

**17.124 Additional Groups** – No Board, Commission, Committee, Work Group, Task Force or any public body (other than the Council) may create another public body, except for subcommittees consisting only of its members. Upon recommendation by an entity, the Council may create another Group.

## **SECTION 18 – ELECTRONIC MAIL /SOCIAL MEDIA**

**18.1 Electronic Mail/Social Media** – The Council will observe the following guidelines when using any electronic method for correspondence or social media in their elected roles:

- 1) All e-mail/social media use by the Mayor and City Councilors will comply with the requirements of the Oregon Public Records Law and Oregon Revised Statutes ORS 192.410 through 192.505.
- 2) E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the Council, the City Manager, or City Department Managers. Councilors shall use and keep their email accounts updated. The City shall provide sufficient equipment and software for Council members.
- 3) E-Mail/social media may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of any other governing~~a standing advisory~~ body in any manner which would be in violation of the Oregon Public Meeting Laws.

- 3)4) All e-mail/social media use by Councilors shall use City accounts only when acting in Council's elected roles. No discussions or issues involving City business shall take place on non-City e-mail/social media accounts. This is required to be able to accurately archive these communications for public records purposes.

## **SECTION 19 – CITY COUNCIL GOAL SETTING**

### **19.1 Council Goal Setting**

- 1) **Goal Setting Parameters.** The City Council shall set goals at a minimum of every two years to coincide with mayoral terms of office. The goals shall include *Short Term Goals* that the Council plans on completing within the next 24 months and *Long Term Goals* that the Council plans to work on during the next two years, but will take longer to complete than 24 months.
- 2) **Creation of initial list.** Following the election in November of even numbered years, the newly elected Council members shall meet with the current Council members in a work session meeting to establish an initial list of potential Council goals. This initial “brainstorming” session shall be completed by December 31~~12/31~~ of the election year.
- 3) **Work Session.** During the first calendar quarter of the year following an election a work session shall be dedicated to Council Goal Setting. During this work session the initial list of potential Council goals will be refined and amended to reflect the needs, and goals of the community. These goals shall reflect, but not be limited to, the goals established in the City’s Strategic Plan; Master Plans, community input, city staff, city committees and City Councilors.
- 4) **Adoption.** Council Goals shall be adopted at a regular meeting of the Keizer City Council no later than the second regular session in April of the year following an election.

## **SECTION 20 – CITY COUNCIL TRAINING**

**Section 20.1 Councilor Training** – All Councilors are encouraged to attend at least one City affiliated training seminar/conference per calendar year. ~~For example:~~

- League of Oregon Cities Annual Conference
- League of Oregon Cities Elected Officials Training Sessions
- Mid-Willamette Valley Council of Governments New City Councilor Training
- Mid-Willamette Valley Council of Governments State Wide Planning Seminar
- State of Oregon Emergency Management

**Section 20.2 – Mayor’s Training** - In addition to the above expectation, the Mayor is expected to represent the City at the annual conferences of the Oregon Mayor’s Association.

**Section 20.3 – Reimbursement Allowance** – Within budget constraints, training costs directly connected with the above conferences or the Councilors’ City committees are reimburseable. Any reimbursement allowance must comply with City of Keizer Personnel Policies.

**Section 20.4 – Council Approval** – Any other Councilor training costs require Council members requesting additional training with City reimbursement must do so with Council approval prior to registering for the event.

## ***SECTION 21 – MISCELLANEOUS***

**Section 21.1 - Amendments to Council Rules.** Amendments to these rules shall be by made by resolution.

**Section 21.2 - Anonymous Communications** - Anonymous and unsigned communications shall not be introduced in Council meetings.

## **Signature Page**

The foregoing Council Rules were adopted by the City Council on the 17<sup>th</sup>-day of June, 20173 by Resolution R20173-2369, ~~amended on the 21<sup>st</sup>-day of October, 2013 by Resolution R2013-2394, and amended on the 20<sup>th</sup>-day of October, 2014 by Resolution R2014-\_\_\_\_\_.~~ By signing below the City Council members affirm they have read and received a copy of these rules.

### **City Council:**

\_\_\_\_\_  
Mayor ~~Lore Christopher~~

\_\_\_\_\_  
Council President ~~Joe Egli~~

\_\_\_\_\_  
Councilor ~~Dennis Kohe~~

\_\_\_\_\_  
Councilor ~~Kim Freeman~~

\_\_\_\_\_  
Councilor ~~Marlene Quinn~~

\_\_\_\_\_  
Councilor ~~Gathy Clark~~

\_\_\_\_\_  
Councilor ~~James Taylor~~

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2017-\_\_\_\_\_  
4

5  
6 ADOPTING THE CITY OF KEIZER COUNCIL RULES OF  
7 PROCEDURE; **REPEALING RESOLUTIONS R2013-2369,**  
8 **R2013-2394, and R2014-2502**  
9

10  
11 WHEREAS, the City Charter of the City of Keizer grants the authority for the  
12 City Council to adopt Council Rules of Procedure;

13 WHEREAS, the City Council adopted revised procedures in 2013 and amended  
14 them in 2014;

15 WHEREAS, the City Council has determined that the Council Rules of Procedure  
16 should be updated for readability, development of new policies, and to reflect desired  
17 changes;

18 NOW, THEREFORE,

19 BE IT RESOLVED by the City Council of the City of Keizer that the City of  
20 Keizer City Council Rules of Procedure attached hereto and by this reference made a part  
21 hereof, are hereby adopted.

22 BE IT FURTHER RESOLVED that Resolutions R2013-2369, R2013-2394, and  
23 R2014-2502 are hereby repealed in their entirety.  
24  
25



1 BE IT FURTHER RESOLVED that this Resolution shall take effect immediately  
2 upon the date of its passage.

3 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

4  
5 SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

6  
7 \_\_\_\_\_  
8 Mayor

9  
10 \_\_\_\_\_  
11 City Recorder



# **CITY COUNCIL RULES OF PROCEDURE**

*Adopted by Council Resolution R2017-\_\_\_\_\_ on \_\_\_\_\_, 2017*



# CITY OF KEIZER COUNCIL RULES OF PROCEDURE

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## **SECTION 1 - AUTHORITY**

**1.1 Authority** - The Charter of the City of Keizer provides that the Council shall adopt rules for the government of its members and proceedings. The following rules shall be in effect upon their adoption by the Council until they are amended or new rules are adopted. These rules shall be presented to all City Council members during the first work session in January of odd-number years following general elections. Within 30 days of taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these rules. The City Recorder shall retain the signature copy.

## **SECTION 2 - GENERAL RULES**

**2.1 Open Meetings** – All meetings will be held in accordance with the Oregon public meeting requirements of Oregon law. No final action by the Council shall have legal effect unless the motion and the vote by which it is disposed of, take place at a proceeding that is open to the public.

**2.2 Ethics** – All elected officials will comply with Chapter 244 – Government Ethics of the Oregon Revised Statutes.

**2.3 Quorum** – A majority of the members of the Council shall constitute a quorum for its business, but no less than three Councilors may meet and compel the attendance of absent members. If a quorum is not present, those in attendance will be recorded, and the City Recorder will adjourn the meeting.

**2.4 Rules of Order** – *Robert's Rules of Order Newly Revised* shall govern all Council proceedings unless they conflict with these rules. The Council President will act as parliamentarian with support from the City Attorney when present.

**2.5 Suspension of Rules** – The vote to suspend the Rules of Procedure (including *Robert's Rules of Order Newly Revised*) requires a two-thirds majority vote of those members of the Council who are present, except as set forth in Section 6.1(k). If the motion is carried by a two-thirds vote, then the rules are suspended for that item only.

**2.6 Address by Council Members** – Every Councilor desiring to speak to an issue will address the Presiding Officer and upon recognition, will confine remarks to the issue under debate. Councilors questioning, seeking clarification, or soliciting a recommendation from staff will direct the concern to the City Manager. The City Manager may respond as requested or redirect the inquiry to a member of the staff.

**2.7 Seating Capacity and Safety Requirements** – The safe occupancy and seating capacity of the Council chambers as determined by the fire marshal shall be posted within the Council chambers. The limitations on occupancy and seating shall be complied with at all times. Aisles and emergency exits shall be kept clear at all times.

**2.8 Building Access** – For building security purposes, Councilors shall abide by applicable employee building access policies, including, but not limited to the allowance of visitors in the employee-only sections of City Hall.

### **SECTION 3 – COUNCIL MEETINGS**

**3.1 Regular Meeting** - The Keizer City Council will meet in regular session on the first and third Mondays of each month at 7:00 p.m. in the Robert L. Simon Council Chambers or at another place in the City which the City Council designates. If such date falls on a legal holiday (per ORS Chapter 187), the meeting shall be held at the usual hour and place on the following day.

**3.2 Work Session** – The Keizer City Council may hold a work session on the second Monday of each month in the Robert L. Simon Council Chambers or at another time or place in the City in which the City Council designates. Such sessions shall allow the City Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with **no vote** or **formal action** taken. Work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Council members present.

**3.3 Special Meeting** – The Presiding Officer, upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council, call a special meeting of the Council. At least 24 hours notice shall be given for the meeting. Special meetings of the Council may also be held at any time by the common consent of all members of the Council. Only the subjects listed on the special meeting agenda may be acted upon.

**3.4 Emergency Meeting** – An emergency meeting of the City Council may be called by the Presiding Officer or City Manager on less than 24 hours' notice provided that an actual emergency exists. The minutes of the meeting must describe the emergency justifying less than 24 hours notice and why the meeting could not be delayed. Attempts will be made to contact the media to provide notice of the emergency meeting.

**3.5 Executive Session** – Executive sessions shall be held in accordance with Oregon law – ORS 192.660. Matters discussed in executive session shall be exempt from public disclosure pursuant to State Statutes. Executive sessions shall be closed to all persons **except** the City Council; persons reporting to Council on the subject of the executive session; the City Manager unless directed otherwise by the Council; City staff persons as allowed by the City Council to attend; news media representatives, unless excluded by the Public Meeting Law (e.g.; media representatives may be excluded for discussions regarding labor negotiations); and other persons authorized by the City Council to attend. No elected official who declares an actual conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion.



Prior to opening an executive session the Presiding Officer or City Attorney shall:

- announce the purpose of the executive session,
- the state statute authorizing the executive session,
- and a notification to all present, including the media, that matters discussed in executive session are not to be disclosed or reported to the public.

An executive session may be held during any open meeting for which proper notice has been given or outside of any regular meeting when properly noticed. No formal or final action may be taken during an executive session, but an opinion or consensus of the Council may be gathered.

**3.6 Cancellation of Meeting** - Upon a majority vote of the members of the City Council present, a meeting may be canceled when deemed appropriate. The Charter requires one regular meeting be held each month. Notice of cancellation shall be posted at City Hall, on the City's web site and social media sites, distributed to members of the media, and to citizens requesting notice.

**3.7 Notice of Meeting** – The City Recorder shall provide:

- notice of the time,
- place, and
- agenda items for any gathering of the Keizer City Council.

Notice shall be posted on the City's web site, delivered by mail or otherwise to members of the media, and other interested persons upon written request. Notice shall be given at least 24 hours prior to the meeting to members of the governing body, the public and media for any special meeting, unless the meeting is considered an emergency as defined by law. Notice of executive sessions shall cite the specific law that authorizes the executive session.

**3.8 – Americans With Disabilities Act** – All meetings of the Council shall be held in compliance with the Americans With Disabilities Act.

**3.9 – Attendance Duty** – It is the duty of each member of the City Council to attend all meetings of the Council. The Charter provides in Chapter VII – Section 29 that a Council office will be deemed vacant upon his or her absence from meetings of the Council for 60 days without like consent. Consent will be given for good cause.

Good cause shall include, but is not limited to:

- Illness;
- Family obligations;
- Employment requirements;
- Scheduled vacations; or
- Other city business

Telephonic, video or internet attendance does not ensure that all testimony, discussions, staff information and deliberations are available fully and equally. Therefore methods of attendance other than personal onsite attendance shall not be considered “in attendance” and a Council Member may not vote unless physically present at the meeting.

**3.10 – Excused Absence** – When any Council member cannot attend a meeting of the Council, the member shall notify the Presiding Officer prior to the meeting. If there are no objections from other Councilors, the Presiding Officer may announce the absence is for good cause and the absence shall be listed in the minutes as excused. If the City Council determines the absence is not for good cause, the absence shall be listed in the minutes as unexcused.

## ***SECTION 4 – THE PRESIDING OFFICER***

**4.1 Mayor** – The Mayor shall preside at all regular, work sessions, special meetings and executive sessions of the City Council and shall be the recognized head of the City for all ceremonial purposes. The Mayor shall have all duties and privileges of any Councilor, and shall not be denied any right or privilege by reason of his or her position as Presiding Officer. In the absence of the Mayor, the Council President shall serve as the Presiding Officer. In the absence of both the Mayor and Council President, the office of both or either shall be filled pro tem by the Councilor with the longest continuous service on Council from the Councilors present and business transacted accordingly.

**4.2 Council President** – The Council shall elect a Council President from its members by majority vote of those Council members present. This shall occur at the first meeting of the Council in each odd-numbered year or before the position has been vacant for sixty (60) days. The Councilor with the longest continuous tenure, who has not served as Council President previously, will be nominated. Others may be nominated from the Council, including the current Council President. In the event that no candidate receives a majority vote, a second vote will be conducted. The first place candidates shall be nominated. If there is only one first place candidate, such candidate and all second place candidates shall be nominated. If no candidate receives a majority vote, the candidates in the second vote will draw lots to determine the Council President.

Whenever the Mayor is unable to perform the functions of the office, the Council President shall act as Mayor. If the Council President wishes to do so, he/she may initiate a motion for all prepared resolutions, orders and ordinances and the consent calendar unless another Councilor has requested to do so or initiates the action.

**4.3 Sergeant at Arms** – The Sergeant at Arms will be the Council President. It will be the duty of the Sergeant at Arms to assist the Presiding Officer, as appropriate, to maintain the order and decorum at all meetings. The Council President may appoint a designee to act as the Sergeant at Arms. In the absence of the Council President, the Sergeant at Arms will be filled by the Councilor with the longest continuous service on Council from the Councilors present.

## ***SECTION 5 – DECORUM AND ORDER***

**5.1 Presiding Officer** – During Council meetings, the Presiding Officer shall enforce the rules of the Council. In addition, the Presiding Officer has the authority to preserve decorum and decide all points of order, subject to appeal to the Council. The Presiding Officer shall enforce order, prevent attacks on personalities or impugning members' motives, and keep those in debate to the question under discussion.

**5.2 Councilors** – Council members shall preserve order and decorum during Council meetings, and shall not by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Council members shall when addressing staff, council members or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, should not impugn the motives of any speaker. Council members shall at all times conduct themselves in a manner appropriate to the dignity of their office. Council may determine by simple majority the appropriateness of a particular event or action. However, no Council member will be required to take part in an event or action that he/she believes inappropriate or undignified.

The Mayor is the official spokesperson for the Council. Unless specifically authorized by the Mayor or the Council, Councilors shall not make any representations on behalf of the City. However, nothing shall prevent a Councilor from expressing their own individual thoughts and opinions when specifically identified as not a representation of the City or the Council's position.

**5.3 Staff and Public** – Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

**5.4 Removal of Any Person.** Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the Councilors present. The Presiding Officer may direct the Sergeant at Arms to prevent further interruption by such person by any action necessary including the removal of that individual. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed.

## **SECTION 6 – ORDER OF BUSINESS AND AGENDA**

**6.1 Order of Business** - The general rule to the order of business at regular meetings of the City Council will be:

- a) **Call to Order** – The Presiding Officer shall call the meeting to order.
- b) **Roll Call** – The City Recorder shall call the name of each Councilor and note each Councilor's attendance or absence in the record, under the guidelines as set forth in Section 3.9 and 3.10 to establish a quorum is present to conduct business.
- c) **Flag Salute** – The Presiding Officer or designee may lead the Council and audience in the Pledge of Allegiance.
- d) **Special Orders of Business** – Oaths of office, awards, proclamations, and agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items except Flag Salute, at the discretion of the Presiding Officer.
- e) **Committee Reports** – Scheduled presentations, presentations by City committee members, and appointments to City committees.
- f) **Public Testimony** – An opportunity for members of the audience shall be given to address the Council on any matter, other than those issues on the agenda scheduled for public hearing, during this portion of the meeting.
- g) **Public Hearings** – A public hearing shall be held on each matter required by state law or City policy. Written and oral testimony shall be heard prior to Council action. (Procedures for public hearings are addressed in Section 8 of these procedures.)
- h) **Administrative Action** – Items that require formal action or Council direction on issues presented by staff.
- i) **Consent Calendar** – The consent agenda shall consist of a list of routine; non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion. Council members who wish to remove an item from the consent calendar shall do so prior to the motion to approve the items. Any item removed from the consent calendar shall be discussed and acted upon following approval of other consent agenda items.
- j) **Council Liaison Reports.** Time provided for members of the Council to present Council liaison reports.
- k) **Other Business** – Time provided for members of the Council or City staff to bring new or old matters before the Council. These matters need not be



specifically listed on the agenda, but formal action on these matters will be deferred until a subsequent Council meeting. This rule may be suspended ONLY if the matter is deemed urgent by two-thirds majority vote of the Council members present and cannot wait until the next special or regular City Council meeting. A motion to reconsider a previous motion may be acted upon without suspension of the rules, as outlined in Section 12.6.

- l) **Written Communications** – Opportunity to inform the Council on **significant** written communications and petitions.
- m) **Agenda Input** – Issues for upcoming Council meetings shall be announced by the Presiding Officer.
- n) **Adjournment** – Following completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

The Presiding Officer may adjust the Order of Business.

**6.2 Recess** – If there are no objections from the Councilors, the Presiding Officer may recess any meeting of the Council. The Presiding Officer shall announce the time in which the meeting shall reconvene.

**6.3 Agenda Distribution** – General practice will be copies of agendas for regular meetings shall be distributed not later than five (5) calendar days prior to the meeting to members of the Council, staff, news media, neighborhood associations and interested citizens who have requested the agenda. Council members with questions, concerns or suggestions are encouraged to communicate those to Department Directors no later than three (3) days before the meeting.

**6.4 Councilors Placing an Item on the Agenda** – A Councilor wishing to place an item on the agenda will advise the City Manager no later than seven (7) days prior to the regular meeting at which the item is to be considered. Such request to add an item for Council consideration shall require consent from two or more additional Council members to add the item.

**6.5 Special Accommodations** – All Council meeting agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans With Disabilities Act and that persons needing accommodations may contact the City Recorder 48 hours prior to the meeting time to request the necessary accommodations. Such notice shall provide the telephone number at which the City Recorder may be contacted.

## **SECTION 7 – PUBLIC TESTIMONY**

**7.1 Public Testimony Generally** - Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public testimony during each regular session of the Council. Participants must use a microphone and state their name and city of residence for the record prior to addressing Council. Testimony will be limited to five minutes. No yielding or ceding of time is allowed. The Council may request further information be presented to the Council on such date and in such manner, as it deems appropriate. Items brought before the Council from the public during public testimony may be referred to the staff for appropriate action and a report returned to the Council, if requested. Such procedure should not prevent the staff, Mayor, or City Council from answering directly to a citizen inquiry at the time it is brought before the Council.

**7.2 Roster** - All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the City Recorder, indicating the name of the person, the address of the person, and the subject of public concern on which the persons or groups wishes to address the Council. Those who have not signed the roster may address the Council at the discretion of the Presiding Officer.

**7.3 Complaints and Suggestions to the Council** - When any citizen brings a complaint before or makes a suggestion to the Council, other than for items already on the agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(1) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to the City Attorney, the City Manager or an advisory body for study and recommendation.

(2) If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer shall then refer the complaint directly to the City Manager for his or her review if the complaint has not already been reviewed. The Council may direct the City Manager to report to the Council when his/her review has been made.

**7.4 Council Shall Carefully Consider All Testimony** – All Council Members should give those presenting testimony their undivided attention. Sidebar conversations should be kept to a minimum.

## **SECTION 8 – PUBLIC HEARINGS**

**8.1 Public Hearings** - A public hearing shall be held on each matter required by state law or City policy. The Presiding Officer shall preside over the hearing and announce the type of hearing and the guidelines for the hearing. The Presiding Officer shall declare the hearing to be open and invite the City Manager or member of the staff to present the staff report together with any petitions, letters, or written comments on the matter.

**8.2 Testimony** – Members of the audience may present oral testimony on the matters scheduled for public hearing. The Presiding Officer will call forth members of the audience who have signed up to present testimony under the guidelines specified at the opening of the hearing. If appropriate, the Presiding Officer may first ask those persons in favor of the matter to come forward, with those speaking in opposition coming after. Except as stated otherwise, all testimony will be limited to five minutes per person. The Presiding Officer may further limit testimony if a speaker persists in being threatening and disorderly, or abusive, following a warning to that effect from the Presiding Officer. Upon being recognized by the Presiding Officer, any member of the Council or the City staff may ask questions of any speaker. **Upon closure of the hearing, no further testimony will be allowed.**

**8.3 Testimony - Land-Use Public Hearings** – In addition to the procedures outlined above, during a quasi-judicial hearing the speaking order will be:

- The applicant will be allowed to testify first. The applicant's testimony will be limited to a total of thirty minutes. The applicant may reserve all or any portion of the applicant's testimony to use as rebuttal. Multiple applicants and their representatives shall share the thirty minutes.
- Then anyone who wishes to present evidence in favor of the application.
- Followed by anyone presenting evidence in opposition or to provide general information.
- Subject to time limits, the applicant in the case will be offered an opportunity for rebuttal.

The Council, by minute motion, may increase or decrease the time limits set forth in Section 8.2 and 8.3.

**8.4 Attorney Representation** – Any person attending a hearing has the right to be represented by an attorney.

**8.5 Closing of Hearing/Council Deliberation** – The Presiding Officer shall either close the hearing or continue it to a date and time certain for presentation of further evidence or argument. Upon closing the hearing, the Council may deliberate on the matter immediately, or may deliberate on the matter at a later time. During deliberations, the Council may request advice from the City Manager or staff as to the consequences and implications of the proposal or alternatives thereto based upon the facts presented during the hearing.

**8.6 Reopening a Hearing** – If it appears that substantial new factual material is necessary to reach a decision on the matter, the Council may, by majority vote, order the hearing reopened or refer the matter to a hearing before the City Hearings Officer or the City Planning Commission for further development of the record. In either case, a new notice of hearing shall be given.

## ***SECTION 9 – PROCEDURE FOR LAND-USE APPEALS***

**9.1 Decisions Appealable** – Where final decision authority is granted to the Zoning Administrator, Planning Commission or Keizer Hearings Officer as defined by the Keizer Development Code, such decision shall be final unless the City Recorder receives a Notice of Appeal to the Council pursuant to Section 3.207 of the Keizer Development Code.

**9.2 Notice of Appeal** – Every notice of appeal shall contain the material required and the fee as listed in the appeal provisions outlined in Section 3.207 and 3.208 of the Keizer Development Code.

**9.3 Public Hearing Date and Notice** – Upon receipt of an appeal of a decision of the Zoning Administrator or Hearings Officer, the City Recorder shall set a date for public hearing before the City Council not less than 30 days from the receipt of the appeal. Notice of the hearing shall be in accordance with the guidelines set forth in Section 3.204 of the Keizer Development Code.

**9.4 Hearing by Council** – The Council shall conduct a public hearing on the appeal at the time and place designated on the notice of hearing. The public hearing shall be conducted in accordance with the provisions of Section 3.206.03 of the Keizer Development Code and with the adopted Council Rules of Procedures. The appellant or a designated representative shall appear at said hearing and offer justification of the appeal. If the appellant or representative fails to do so, the appeal shall be denied.

**9.5 Decision of Council** – The City Council may affirm, amend, or reverse the action of the Hearings Officer, Planning Commission or Zoning Administrator and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and as provided for in the Keizer Development Code. The City Council may also remand the matter back to the Hearings Officer, Planning Commission or Zoning Administrator for additional information, subject to the agreement of the applicant to extend the 120-day review period.

**9.6 Appeal Fee** – An appeal fee established by the City Council shall be required to defray costs incidental to the proceedings and shall be paid at the time of filing an appeal. The appeal fee shall be determined by the City Council.

## **SECTION 10 – CONFLICT OF INTEREST OR OTHER DISQUALIFICATIONS**

**10.1 Conflict of Interest** – In every case in which a Councilor is faced with a potential conflict of interest or an actual conflict of interest as defined in state law, the nature of the conflict must be disclosed during the public meeting and recorded in the minutes. If an actual conflict of interest exists, the Council member, after disclosing the conflict, shall remove themselves from the Council Chambers and refrain from both participation in the discussion and the vote on the issue. However, if the Councilor is a direct party on the issue, they will be allowed to remain in the Council Chambers.

**10.2 Bias** –In quasi-judicial cases, Councilors should recuse themselves from any decision or discussions if they have a prejudice or prejudgment of the facts to such a degree that the Councilor is incapable of rendering an objective decision on the merits. Members of the Council should avoid voicing an opinion prior to the testimony.

**Exception:** *If the recusal results in a lack of a quorum for a decision that has to be made immediately, the Council member may be counted for the purpose of establishing a quorum, however the member must abstain from voting.*

**10.3 Ex Parte Contact** – Ex Parte communications only apply in a quasi-judicial case. Members of the Council should avoid any communication outside of the public hearing with any party, including other Councilors. A site visit is not considered an ex parte contact unless there is communication with an outside party or if information is gained from the visit that could be a factor in future decisions. Any ex parte contact, including the nature of the contact and the information obtained, should be disclosed at the beginning of the public hearing, and again at each continued public hearing.

**10.4 Absence at Public Hearing** – A member of the Council shall not participate in the discussion or vote on a quasi-judicial land use application when they were not present during the public hearing.

**Exception:** *If the Council member has reviewed the audio or video tape recordings of the proceedings and any evidence presented at the hearing, the Councilor may participate in the discussion and vote on the matter, following their announcement that they have done so.*

## **SECTION 11 – INTERNAL OVERSIGHT**

**11.1 Internal Oversight.** The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council Member act in any manner constituting a substantial violation of these rules, City Ordinance or Charter, or other general laws, the remaining Council Members may issue a censure or memorandum of concern pursuant to the following procedure:



- a) The process is initiated by a written statement by a Council Member explaining the alleged misconduct of a Council Member and if true, why disciplinary action is needed. Two Council Members must date and sign the statement and deliver the original to the City Manager. The City Manager shall then place the matter before the Council at the next regular Council meeting if the written statement is submitted to the City Manager not later than five (5) calendar days prior to such meeting, otherwise the matter shall be placed on the agenda for the following Council meeting.
- b) An affirmative vote by five (5) or more members of the Council shall initiate an investigation. An affirmative vote by a Council Member shall not indicate that such Member believes the truth of the statement and/or the reasoning behind a proposed sanction, but merely that further investigation is warranted under the criteria set forth in subsection c) below. The Council Member in question shall not take part in the discussion or the vote.
- c) If initiated, an investigation shall be conducted by a committee consisting of three Council Members appointed by the Council. Two additional Keizer residents shall be included if the Council Member being investigated makes such request. Such residents shall be selected by the Council. The investigation shall be completed within 30 days of being initiated by the Council. The Committee shall review whether the alleged misconduct occurred, and if so whether the alleged misconduct occurred while acting in their official capacity as a City Council member, including, but not limited to the following instances:
  - 1. During a city meeting or while representing the City of Keizer;
  - 2. City Council Member announced that they were a City Council Member (and therefore infers that conduct is as a City Council Member);
  - 3. Conduct occurred in writing available to the public (social media, newspaper) as identified as a City Council Member.
- d) If misconduct is found unanimously by the members of the City Council Committee, the Committee would present the investigation conclusion to the Council with a recommendation of any sanctions. Sanctions could include
  - 1. A memo of concern from the full City Council, or
  - 2. Censure.
- e) The Council shall vote on the Committee recommendation. A memorandum of concern would require a four (4) member vote of the Council; a censure would require at least a five (5) member vote. The Council Member in question shall not take part in the discussion or the vote.
- f) If misconduct is not found unanimously by the City Council Committee, a public report of the Committee findings will be presented to the City Council during a Council meeting. A copy of that report will be given to the Council Member who was investigated.

## **SECTION 12 – ORDINANCES, ORDERS, RESOLUTIONS, AND MOTIONS**

**12.1 Form** – All Ordinances, Orders, and Resolutions shall be presented to the Council in print or type-written form.

**12.2 Signing Of Official Documents** - The Mayor shall sign all records of proceedings approved by the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council within three days after their passage. After the Council approves a bond of a City officer or a bond for a license, contract, or proposal, the Mayor shall endorse the bond. The Council President shall perform these functions whenever the Mayor is unable to perform the functions herein.

**12.3 Enactment of Ordinances** – All ordinances will be enacted pursuant to Chapter VIII of the Keizer City Charter except that if the Mayor is unable to perform the functions of the office, the Council President shall act as mayor pursuant to Chapter IV, Section 18 of the Keizer City Charter, including, but not limited to, signing of ordinances, resolutions and other documents.

**12.4 Motion** – Any Councilor making a motion to be considered by the Council shall state the motion with clarity, specificity, and brevity so the matter is clearly understood.

### **12.5 Procedures In Handling Parliamentary Motions**

- a) To make a motion, a Councilor must be recognized by the Presiding Officer at a time when there is no other business on the floor. The Councilor then says, "I move adoption of an ordinance..." or "I move approval of a resolution..."
- b) Another Council member seconds the motion. This can be done without being recognized by the Presiding Officer. If no member seconds the motion, it does not come before the meeting; it "dies" for lack of a second and the Presiding Officer calls for the next item of business. A second does not necessarily mean that the member favors the motion. It can be that the member simply wants the motion brought on the floor for discussion.
- c) The Presiding Officer states the question on the motion. This procedure is necessary for the motion to come before the Council. Prior to this step, the Presiding Officer can suggest changes in the motion and the mover can change or withdraw it. No debate can take place until the Presiding Officer states the motion is on the floor. At this point, a mover may ask permission to withdraw the motion. It is unnecessary for the Presiding Officer to ask the member who seconded the original motion to withdraw the second. Withdrawal of the motion by general consent takes precedence to the second.
- d) Debate then takes place on the motion. The original mover is entitled to the floor first. **Each member has the right to speak and to rebut any other speakers,**

**but should not have the floor the second time until all who wish have spoken once.** Unless it is decided otherwise, each speaker is limited to five (5) minutes each time.

- e) The Presiding Officer then puts the question to a vote. When the debate appears to have closed, the Presiding Officer asks "are you ready for the question?" If no one claims the floor, the Presiding Officer restates the motion and calls for a vote.

**12.6 Motion for Reconsideration** - Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any Councilor who voted with the majority **or who was not present at the time of the vote**, may move for reconsideration of an action at the same or at the next regular meeting of the Council. A vote of reconsideration requires a **majority vote of those Councilors present**. A vote for reconsideration shall take place at the same meeting when there is no other business on the floor or at the next regular meeting of the Council under the Other Business portion of the meeting. A motion for suspension of the rules is not required. After a matter has been reconsidered, it shall not preclude the issue from being raised in the future, but not before the next regular meeting.

## **SECTION 13 – VOTING**

**13.1 Voting** – Unless a different voting requirement applies, the concurrence of a majority of the members of the Council in attendance, voting when a quorum of the Council is present shall decide any question before the Council. The Presiding Officer will have a vote on all questions before the Council. It is considered inappropriate for members to explain their action once the vote has been called for and until after the vote has been taken.

**13.2 Abstentions** – Any Councilor abstaining should state the reason for the abstention. An abstention does not count as either an affirmative or negative vote and shall not be counted toward the number of votes required to pass or reject a motion.

**13.3 Methods of Voting** –The standard is the voice vote, however the Presiding Officer may decide the type of vote unless directed otherwise by a majority of the Council.

- **Voice Vote**: This is the standard method when no more than a majority vote is required. The ayes are called for first and then the nays.
- **Show of Hands**: This can be used as an alternative to a voice vote, in verifying an inconclusive voice vote or when a two-thirds vote is required for adoption.
- **Vote by Written Ballot**: This is another method that is normally used only in cases of elections or a matter where initial confidentiality is needed. Each Councilor shall place their signature on the ballot and the results (including each Councilor's specific vote) must be made public immediately following the vote.
- **Roll Call**: In this method, the City Recorder calls the name of each Councilor and the Councilor responds with his or her vote on the matter. Council members will be called by position number, with the Mayor being called last.

**13.4 Unanimous Consent:** The Presiding Officer may use unanimous consent as a voting method if it appears that all of the Council members present agree on a particular position or direction. If any Councilor objects, a formal vote shall be taken.

**13.5 Voting Required:** Every member of the Council that is present when a question is addressed shall vote for or against the question, unless he or she abstains for just cause (conflict of interest, bias, etc.).

**13.6 Voting Results:** The Presiding Officer announces the voting result. This step is always included to ensure Council understanding of the outcome and so that the Recorder will be able to accurately reflect the outcome in the minutes. If a motion ends in a tie, the motion will be considered lost.

**13.7 Changing Vote:** A Council member has the right to change their vote up to the time the vote is finally announced. After that, they can make the change only by permission of the Council, which may be given by unanimous concurrence of Council. If an objection is made, a motion may be made to grant the permission. The motion is undebatable.

## ***SECTION 14 – MINUTES***

**14.1 Recording of Minutes:** Minutes are the official record of the City Council meetings. They record the substance of a meeting and are a clear, accurate, concise, informative record of the proceedings. Minutes will generally follow the chronological order of items considered during a meeting. Minutes are not a verbatim transcript, and the meeting does not have to be sound recorded unless otherwise required by law. For practical purposes, however, it is general practice to sound record the meetings of the City Council for back up reference. Reporting actions taken is the single most important segment of the final minutes. The minutes are to include, at a minimum:

- a) Kind of meeting (regular, special, work session, etc.)
- b) The name of the body meeting (City Council, Urban Renewal Agency, Budget Committee, etc.)
- c) Date of the meeting and place where it is held.
- d) Name and title of Presiding Officer (usually the Mayor).
- e) All motions (main, amendments, withdrawals, etc.), with dispositions, with the name of the mover and, if applicable, the name of the seconded.
- f) Members present.
- g) Proposals, resolutions, orders, ordinances, and measures proposed and their disposition.
- h) Results of all votes and the vote of each member by name, including abstentions.

- i) The substance of any discussion on any matter.
- j) The name and City of residence, if available, on any person appearing before the City Council to offer testimony, and the substance of such testimony.
- k) Exhibits or written testimony subject to ORS 192.410 to 192.505.
- l) Reference to the appropriate ORS section under which an executive session was held.
- m) The signature of the individual taking the minutes.
- n) Signature lines for the Mayor and the Councilors.

**14.2 Distribution of Minutes:** Draft minutes are distributed to the City Council with the agenda on which those minutes appear as an item for approval. However, because the minutes are generally completed in draft form prior to distribution of the agenda packets, the minutes are available for earlier review should the need arise.

**14.3 Correction and Approval of Minutes** - Approval of the minutes usually take place at the next regular meeting following the date of the minutes under approval. Generally, minutes appear on the agenda under the Consent Calendar. If minor changes are made to the minutes, a Councilor may offer such amendment prior to the Consent Calendar being approved. For extensive amendments, the minutes should be pulled off the Consent Calendar for consideration. All corrections that appear will appear in the minutes of the meeting when the changes took place. If a member of the Council is absent from the meeting, such member can pull the minutes from the Consent Calendar for consideration and announce their absence and abstain from voting for approval of the minutes or they can read the minutes prior to the meeting and vote for approval as part of the Consent Calendar. When a Councilor is absent and pulls the minutes from the Consent Calendar to abstain from voting for approval of the minutes, the word "absent" shall be printed in place of a signature.

If a Councilor has a concern over the reporting of minutes, it is that Councilor's responsibility to review the tape of the meeting and bring corrections forward to the City Council at the next regular meeting with the tape cued, ready to be played, if necessary. It is not appropriate to expend staff time when only one member of Council is requesting the review.

**14.4 Reading of Minutes:** Unless the reading of the minutes of the previous Council meeting is requested by a majority of the Council, such minutes may be approved without reading if copies thereof have been previously furnished each Council member.

**14.5 Executive Session Minutes** – Minutes from Executive Sessions held pursuant to ORS 192.660 will be kept in the form of a tape recording. No transcription of Executive Session minutes will be made unless otherwise required by law.



## **SECTION 15 – PROCLAMATIONS**

**15.1 Request for Proclamations** – Organizations or citizens requesting proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals on certain projects, shall be filed with the City Recorder. Upon receipt, the City Recorder will notify the Mayor of the request. If the Mayor approves the request, the City Recorder will prepare the proclamation for the Mayor's signature.

**15.2 Reading of Proclamations** – It will be at the discretion of the Mayor if a proclamation will be read at a City Council meeting or presented to the organization or group. It is preferred that a representative of the requesting organization be present to receive the proclamation.

## **SECTION 16 – COUNCIL VACANCIES/APPOINTMENTS**

**16.1 Vacancy of Council Position** – Chapter VII – Section 29 of the Keizer City Charter outlines circumstances in which a Council position may become vacant. Vacant elective offices shall be filled by appointment. A majority vote of the remaining members of the Council shall be required to validate the appointment. Upon validation, the appointee's term of office shall begin and continue throughout the unexpired term of the predecessor.

**16.2 Vacancy of Mayor Position** – In the event the office of the Mayor becomes vacant, the Council President shall become Mayor. A new Council President shall be nominated accordingly from the remaining members of the Council. The Council then shall appoint a Councilor to fill the vacancy as set forth below.

**16.3 Declaration of Vacancy** – The vacant position shall be declared vacant by Resolution.

**16.4 Process for Appointment** – Upon declaration of the vacancy, the Council shall adopt a timeline for the appointment process. A press release will be issued inviting members of the community, who meet the qualifications as outlined in the Charter, to submit a letter of interest and resume. Only candidates who have submitted the letter and resume by the deadline determined by the Council may be considered. Within 45 days of the declaration of vacancy, the Council shall appoint the replacement Councilor as set forth in this Section.

**16.5 Presentation Process** – The candidates shall be invited to make a presentation before the City Council. The presentation process is as follows:

- a) Presentation length: Five minutes. There is to be no discussion or questions by the Council whatsoever, except for the written questions noted below.
- b) Order of the presentations: Drawn from the official bucket.

- c) Candidates will be requested to sequester themselves outside the Council Chambers until time for their presentation so they will not gain advantage by listening to the other candidates. They may remain in the audience after their presentation.
- d) Each of the six current council members may submit a written question to be given the candidates. The candidates may choose to address the questions in their presentations. The deadline for submittal of the questions shall be one week before the presentation.
- e) Following close of the presentation, all candidates who have submitted a letter of interest and resume shall be considered and formal nominations shall not be made.

**16.6 Appointment Vote** – The Presiding Officer or City Attorney shall review the appointment process with members of the audience prior to any votes being taken. Written ballots shall be prepared containing the names of all of the candidates. The following voting process will be followed:

- a) Each of the remaining members of the Council shall select one candidate and mark their ballot accordingly. If one candidate receives the majority of the votes of the remaining members of the Council, such candidate shall be appointed to fill the vacant position.
- b) If no candidate receives a majority vote of all remaining members of the Council on the first ballot, a second ballot shall be distributed. The second ballot shall contain the names of the two candidates receiving the most votes from the first ballot, unless a tie resulted from the first ballot. In a first place tie situation, all first place candidates will be placed on the second ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on the second ballot. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving a majority of the votes of the remaining members of the Council shall then be appointed to the vacant position.
- c) If no candidate receives a majority vote of all remaining members of the Council on the second ballot, a third and final ballot shall be distributed. The third and final ballot shall contain the names of the two candidates receiving the most votes from the second ballot, unless a tie resulted from the second ballot. In a first place tie situation, all first place candidates will be placed on the third and final ballot. If there is one first place candidate and tied second place candidates then all first and second place candidates will be placed on a third and final ballot. Each remaining member of the Council shall select one candidate and mark their ballot accordingly. The candidate receiving the majority of the votes of the remaining members of the Council shall be appointed to the vacant position. In case of a tie vote on this third and final vote, the Council will select the

replacement Councilor according to the procedure outlined in Section 16.7 – Tie Votes – Appointment Process.

d) By Resolution, the Council shall validate the appointment.

**16.7 Tie Votes – Appointment Process** – If no candidate receives a majority vote of all remaining members of the Council on the third and final vote, the names of the two candidates receiving the most votes from the third and final ballot will be placed in an official city bucket, unless a tie resulted from the third and final ballot. In a first place tie situation, all first place candidates will be placed in the official city bucket. If there is a one first place candidate and tied second place candidates, then all first and second placed candidates' names will be placed in the official city bucket. The City Recorder will draw the successful name.

**16.8 Tie Votes – Council Election** – When two or more candidates running for the same Council position, have an equal and the highest number of votes, the successful candidate will be determined by a drawing of lots. Upon confirmation of a recount by the Marion County Elections Division, this determination shall take place at the first regularly scheduled meeting after such recount confirmation. The Council will use the same process to determine the successful candidate as outlined in Section 16.7 – Tie Votes – Appointment Process.

## ***SECTION 17 – CREATION OF CITY COMMITTEES, BOARDS AND COMMISSIONS AND COUNCIL COMMITTEES AND AD-HOC TASK FORCES***

**17.1 Citizens Committees, Boards and Commissions.** - At any time, the Council may by resolution establish any City Board, Commission or Committee deemed necessary and in the best interests of the City. Any committee so created may contain one or more Councilors as members. Unless otherwise provided, all City Boards, Commissions, and Committees so created shall sunset at the end of their mission, but in all events shall be reviewed in January of odd numbered years, prior to Councilor liaison appointment.

**17.2 Membership Appointment** – The Volunteer Coordinating Committee is the only standing City Committee that receives members by direct appointment from the City Council. Each City Councilor will make a one-member appointment to the Volunteer Coordinating Committee as allowed in Council resolution for a term ending at the same time as such Councilor's term. If a Councilor leaves office prior to the end of the Councilor's scheduled term, the replacement Councilor shall appoint a member to the Volunteer Coordinating Committee. Except for Councilors, all other applicants for City Boards, Commissions, Committees or any group (other than Council Work Groups, Task Forces, or Outside Committees) will be recommended by the members of the Volunteer Coordinating Committee who will receive, review, and process written applications and forward recommendations to the Council for appointment consideration, unless the Resolution, Ordinance, or State Statute defines the

appointment process differently. The Mayor shall make the Councilor appointments for all Committees, Task Forces, Boards, Outside Committees or any other groups at the first meeting in January every odd numbered year or when necessary.

**17.3 Qualifications** - No appointee may serve on more than two City Boards, Commissions or Committees at any one time, without Council approval. Budget Committee members are required to be appointed from the electorate. All of other City Boards, Commissions, Committee or Task Force members shall be appointed pursuant to Council Resolution or Ordinance.

**17.4 Removal of Members of Committees, Boards, and Commissions** – The Council may remove any member of any committee, board, commission, task force or any other group by a vote of at least a two-thirds majority of the Council. All members of City Boards, Commissions or Committees serve at the pleasure of the Council except as otherwise provided by law. All Council seats on City Boards, Commissions or Committees are reserved for sitting Councilors; upon expiration of any Councilor's term, or upon resignation, removal or death, the Councilor's seat on any City Board, Commission, Committee, Outside Committee, or any other position as City representative occupied by that person shall be immediately declared vacant, and a sitting Councilor appointed by the Mayor as a replacement.

**17.5 Council Task Forces** - Council Ad-Hoc Task Forces may be created at any time by resolution. All Council Ad-Hoc Task Forces shall have a City Councilor as Chair who shall be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Appointment of the members to Task Forces shall be by majority vote of the Councilors present. Such Task Force shall report to the Council without unnecessary delay upon matters referred to them. All Council Ad-Hoc Task Forces so created shall sunset at the end of their mission, but in all events shall be reviewed in January of odd numbered years prior to Councilor liaison appointment.

**17.6 Meetings Subject to Oregon Open Meetings Law** - All meetings of any City Boards, Commissions, Lay-Committees, Council Committee, Task Force, or Work Group shall be subject to and comply with the Oregon Public Meetings law, ORS 192.610-192.710.

**17.7 Registry** - The City Recorder shall prepare, keep current and retain on file in the Office of the City Recorder a list of all appointees to all City Boards, Commissions, Committees, Council Ad-Hoc Task Forces, and any other group, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers. All Councilors shall be given a copy of this list at least every two years, or upon any substantial change in membership of any City Board, Commission, Committee or Council Task Force.

**17.8 Youth Councilor** – Each school year one youth Councilor and deputy youth Councilor may be appointed as non-voting members of the Council. The youth Councilor and deputy youth Councilor shall not attend executive sessions. To receive

this appointment the candidates must be Keizer residents who are either attending high school or registered home schooled students. The appointments shall be by majority vote of the Councilors present, following recommendations from the Volunteer Coordinating Committee. The deputy youth Councilor may substitute when the youth Councilor is unavailable. Both the youth Councilor and deputy youth Councilor may be assigned roles and positions by Council.

**17.9 Youth Liaison** – Each school year one youth Liaison may be appointed as a non-voting member to any City Board, Committee, or Commission. To receive this appointment the candidate must be a Keizer resident who is either attending high school or a registered home schooled student. The appointment shall be by majority vote of the Councilors present, following a recommendation from the Volunteer Coordinating Committee.

**17.10 Outside Committees** – Outside Committees are those committees, boards, commissions and other types of groups not created by the City Council. They include both governmental entities, as well as non-profit organizations; e.g., Keizer Rotary, Keizer Chamber of Commerce, Salem-Keizer Area Transportation Study, Mid-Willamette Valley Council of Governments, etc. For non-Councilor appointments, the Council shall determine the appointment, following recommendation by the Volunteer Coordinating Committee. The Mayor shall appoint Councilors to liaison and non-liaison positions for outside committees the first meeting in January every odd numbered year or when necessary. Each Councilor shall keep the Mayor and Councilors informed of their involvement in all outside committees. The particular outside committee shall determine any attendance requirements and other matters concerning membership, voting, and procedure, subject to Council approval. Non-liaison (voting) Councilor positions may not be substituted by another Councilor, unless such outside committee's rules specifically allow for such substitution.

Nothing contained herein shall prevent a Councilor from being a member of any type of committee outside of these provisions. However, such membership shall be as a private citizen and not as a representative of the City of Keizer.

**17.11 City Committees/Councilor Liaisons** – Councilor liaison positions on City committees, boards, commissions, and task forces are non-voting. Councilor liaisons shall generally provide avenues of communication between their committee and the Council and shall update the Council on the general status of such committee. Generally speaking, Councilors in liaison positions should refrain from expressing opinion on specific policy issues under consideration by the committee unless it is to relay known City Council positions on a particular matter.

**17.12 Additional Groups** – No Board, Commission, Committee, Work Group, Task Force or any public body (other than the Council) may create another public body, except for subcommittees consisting only of its members. Upon recommendation by an entity, the Council may create another Group.



## **SECTION 18 – ELECTRONIC MAIL /SOCIAL MEDIA**

**18.1 Electronic Mail/Social Media** – The Council will observe the following guidelines when using any electronic method for correspondence or social media in their elected roles:

- 1) All e-mail/social media use by the Mayor and City Councilors will comply with the requirements of the Oregon Public Records Law and Oregon Revised Statutes ORS 192.410 through 192.505.
- 2) E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the Council, the City Manager, or City Department Managers. Councilors shall use and keep their email accounts updated. The City shall provide sufficient equipment and software for Council members.
- 3) E-Mail/social media may not be used to discuss policy issues with a quorum of the Council at one time or a quorum of any other governing body in any manner which would be in violation of the Oregon Public Meeting Laws.
- 4) All e-mail/social media use by Councilors shall use City accounts only when acting in Council's elected roles. No discussions or issues involving City business shall take place on non-City e-mail/social media accounts. This is required to be able to accurately archive these communications for public records purposes.

## **SECTION 19 – CITY COUNCIL GOAL SETTING**

### **19.1 Council Goal Setting**

- 1) **Goal Setting Parameters.** The City Council shall set goals at a minimum of every two years to coincide with mayoral terms of office. The goals shall include *Short Term Goals* that the Council plans on completing within the next 24 months and *Long Term Goals* that the Council plans to work on during the next two years, but will take longer to complete than 24 months.
- 2) **Creation of initial list.** Following the election in November of even numbered years, the newly elected Council members shall meet with the current Council members in a work session meeting to establish an initial list of potential Council goals. This initial “brainstorming” session shall be completed by December 31 of the election year.
- 3) **Work Session.** During the first calendar quarter of the year following an election a work session shall be dedicated to Council Goal Setting. During this work session the initial list of potential Council goals will be refined and amended to reflect the needs, and goals of the community. These goals shall reflect, but not

be limited to, the goals established in the City's Strategic Plan; Master Plans, community input, city staff, city committees and City Councilors.

- 4) **Adoption.** Council Goals shall be adopted at a regular meeting of the Keizer City Council no later than the second regular session in April of the year following an election.

## ***SECTION 20 – CITY COUNCIL TRAINING***

**20.1 Councilor Training** – All Councilors are encouraged to attend at least one City affiliated training seminar/conference per calendar year:

- League of Oregon Cities Annual Conference
- League of Oregon Cities Elected Officials Training Sessions
- Mid-Willamette Valley Council of Governments New City Councilor Training
- Mid-Willamette Valley Council of Governments State Wide Planning Seminar
- State of Oregon Emergency Management

**20.2 – Mayor's Training** - In addition to the above expectation, the Mayor is expected to represent the City at the annual conferences of the Oregon Mayor's Association.

**20.3 – Reimbursement Allowance** – Within budget constraints, training costs directly connected with the above conferences or the Councilors' City committees are reimbursable. Any reimbursement allowance must comply with City of Keizer Personnel Policies.

**20.4 – Council Approval** – Any other Councilor training costs require Council approval prior to registering for the event.

## ***SECTION 21 – MISCELLANEOUS***

**21.1 - Amendments to Council Rules.** Amendments to these rules shall be by made by resolution.

**21.2 - Anonymous Communications** - Anonymous and unsigned communications shall not be introduced in Council meetings.

**Signature Page**

The foregoing Council Rules were adopted by the City Council on the \_\_\_\_day of \_\_\_\_\_, 2017 by Resolution R2017-\_\_\_\_\_. By signing below the City Council members affirm they have read and received a copy of these rules.

**City Council:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council President

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

\_\_\_\_\_  
Councilor

**CITY COUNCIL MEETING: April 17, 2017**

**AGENDA ITEM NUMBER: \_\_\_\_\_**

**TO: MAYOR CLARK AND COUNCIL MEMBERS**

**THROUGH: CHRIS EPPLEY – CITY MANAGER**

**FROM: BILL LAWYER – PUBLIC WORKS DIRECTOR**

**SUBJECT: MONITORING WELL INSTALLATION**

**DATE: April 12, 2017**

**BACKGROUND:**

In a continuing effort to monitor the extent of known groundwater contamination and the potential impact to Municipal Wells, staff has determined additional monitoring wells are needed. The location of these monitoring wells was identified in the Hydrogeological and Groundwater Contamination Study performed for the city dated May 2015. Two of the monitoring wells will be installed at the corner of Dearborn Avenue N and Rivercrest Drive N, one in the shallow aquifer and one in the deep aquifer. The third well will be installed near the intersection of Candlewood Drive NE and Brooks Avenue NE into the deep aquifer. There is an existing monitoring well at this location in the shallow aquifer.

City staff solicited bids from qualified monitoring well drillers. Two bids were received ranging from a low of \$39,650.00 to a high of \$74,500.00 with Cascade Drilling L.P submitting the lowest bid.

**FISCAL IMPACT:**

Funds are available in the adopted FY 16-17 Water Facility Replacement Fund budget line item 21.

**RECOMMENDATION:**

Staff recommends City Council adopt the attach Resolution authorizing the City Manager to enter into a contract with Cascade Drilling L.P for the amount of \$39,650.00. for the installation of three monitoring wells.

Please contact me with any questions or concerns.

1 CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

2  
3 Resolution R2017-\_\_\_\_\_

4  
5  
6 AUTHORIZING THE CITY MANAGER TO AWARD AND ENTER  
7 INTO AN AGREEMENT WITH CASCADE DRILLING L.P. FOR  
8 MONITORING WELL INSTALLATION PROJECT  
9

10  
11 WHEREAS, it has been determined that monitoring of groundwater contamination  
12 and the potential impact to Municipal Wells is a benefit to the City;

13 WHEREAS, the City solicited bids for the installation of monitoring wells at the  
14 corner of Dearborn Avenue North and Rivercrest Drive North, and also near the  
15 intersection of Candlewood Drive Northeast and Brooks Avenue Northeast;

16 WHEREAS, two bids for this project were received and opened. Cascade Drilling  
17 L.P. submitted the low bid for a total amount of \$39,650.00. The City Engineer has  
18 reviewed and certified the bids;

19 NOW, THEREFORE,

20 BE IT RESOLVED by the City Council of the City of Keizer that the City Manager  
21 is hereby authorized to award the contract to, and if no objections are received, enter into  
22 an agreement with Cascade Drilling L.P. for a total of \$39,650.00 to install the monitoring  
23 wells. Funding for this project is from the Water Facility Replacement Fund.  
24  
25  
26



1           BE IT FURTHER RESOLVED that this Resolution shall take effect immediately  
2 upon the date of its passage.

3           PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

4

5           SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

6

7

8

9

\_\_\_\_\_  
Mayor

10

11

12

\_\_\_\_\_  
City Recorder



**MINUTES**  
**KEIZER CITY COUNCIL WORK SESSION**  
**Monday, March 13, 2017**  
**Keizer Civic Center, Council Chambers**  
**Keizer, Oregon**

**CALL TO ORDER**

Mayor Clark called the Work Session to order at 5:45 pm. Roll Call was taken as follows:

**Present:**

Cathy Clark, Mayor  
Marlene Parsons, Councilor  
Roland Herrera, Councilor  
Bruce Anderson, Councilor  
Laura Reid, Councilor  
Amy Ryan, Councilor  
Kim Freeman, Councilor  
Giancarlo Marcelo, Youth Councilor

**Staff:**

Chris Eppley, City Manager  
Shannon Johnson, City Attorney  
Nate Brown, Community  
Development Director  
Bill Lawyer, Public Works Director  
Tracy Davis, City Recorder

**DISCUSSION**

**a. City Council  
Goal Setting for  
2017-2019**

2015-17 Short Term Goals were reviewed. Following discussion about each, the following 2017-19 Short Term Goals were decided upon:

- Complete the data necessary for the Urban Growth Boundary discussion
- Stable Parks funding mechanism for maintenance and additional personnel
- Explore expanded avenues to enhance community engagement
- Expand youth council program to all schooling types (public, private and homeschool) with the objective of having a youth voice on all city boards and commissions
- Facilitate conversations with volunteer recreation organizations for long term success
- Sustainable police funding

2015-17 Long Term Goals were reviewed. Following discussion about each, the following 2017-19 Long Term Goals were decided upon:

- Urban Growth Boundary Expansion
- Use proceeds from sale of city owned property and look into opportunities for economic development which are included in our adopted planning documents, such as River Road Renaissance, Keizer Compass, Housing Needs Analysis or Employment Opportunities Analysis. Establish policies and plans that City Council so deems for economic development purposes.

- Communications position/Volunteer Coordinator based on community outreach initiative
- Initiate update of Transportation System Development Plan

The Sidewalk LID Program was removed from the previous list but a work session planned so that Councilors could share the option with citizens.

Youth Councilor Giancarlo Marcelo agreed to work with Laura Reid and recruit AVID students to fill youth positions on City committees.

Discussion followed regarding scheduling work sessions to implement the goals once they are adopted, particularly the goal of community engagement.

Following discussion on the regularly scheduled Manager's Meeting, Chris Eppley and Council agreed that in lieu of a regular face-to-face meeting he would set aside 11 to Noon and 3:30 to 4:30 every Thursday to receive calls from Council.

**b. City Council  
Orientation/  
Training  
Session**

Postponed due to late hour.

**ADJOURNMENT**

Mayor Clark adjourned the meeting at 8:00 p.m.

MAYOR:

APPROVED:

\_\_\_\_\_  
Cathy Clark

\_\_\_\_\_  
Debbie Lockhart, Deputy City Recorder

**COUNCIL MEMBERS**

\_\_\_\_\_  
Councilor #1 – Laura Reid

\_\_\_\_\_  
Councilor #4 – Roland Herrera

\_\_\_\_\_  
Councilor #2 – Kim Freeman

\_\_\_\_\_  
Councilor #5 – Amy Ryan

\_\_\_\_\_  
Councilor #3 – Marlene Parsons

\_\_\_\_\_  
Councilor #6 – Bruce Anderson

Minutes approved:\_\_\_\_\_



**MINUTES**  
**KEIZER CITY COUNCIL WORK SESSION**  
**Monday, March 20, 2017**  
**Keizer Civic Center, Council Chambers**  
**Keizer, Oregon**

**CALL TO ORDER**

Mayor Clark called the Work Session to order at 5:45 pm. Roll Call was taken as follows:

**Present:**

Cathy Clark, Mayor  
Marlene Parsons, Councilor  
Roland Herrera, Councilor  
Bruce Anderson, Councilor  
Laura Reid, Councilor  
Amy Ryan, Councilor  
Kim Freeman, Councilor

**Staff:**

Chris Eppley, City Manager  
Shannon Johnson, City Attorney  
Nate Brown, Community  
Development Director  
Bill Lawyer, Public Works Director  
Tracy Davis, City Recorder

**DISCUSSION**

**a. City Council  
Orientation/  
Training**

City Attorney Shannon Johnson provided training to Council covering the following subjects:

- Overview of the Statewide Land Use System
- Quasi-judicial Decisions
- Legislative Decisions
- Ex parte Contacts and Bias
- Conflict of Interest
- Area C – “Big Box” Amendment
- Non-Land Use Decisions
- Roberts Rules of Order
- Public Meetings/Executive Sessions
- Public Records

**ADJOURNMENT**

Mayor Clark adjourned the meeting at 6:48 p.m.

MAYOR:

APPROVED:

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Cathy Clark

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Debbie Lockhart, Deputy City Recorder

## COUNCIL MEMBERS

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Councilor #1 – Laura Reid

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Councilor #4 – Roland Herrera

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Councilor #2 – Kim Freeman

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Councilor #5 – Amy Ryan

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Councilor #3 – Marlene Parsons

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Councilor #6 – Bruce Anderson

Minutes approved: \_\_\_\_\_





**MINUTES**  
**KEIZER CITY COUNCIL**  
**Monday, March 20, 2017**  
**Keizer Civic Center, Council Chambers**  
**Keizer, Oregon**

**CALL TO ORDER** Mayor Clark called the meeting to order at 7:00 pm. Roll Call follows:

**Present:**

Cathy Clark, Mayor  
Marlene Parsons, Councilor  
Roland Herrera, Councilor  
Bruce Anderson, Councilor  
Laura Reid, Councilor  
Amy Ryan, Councilor  
Kim Freeman, Councilor

**Staff:**

Chris Eppley, City Manager  
Shannon Johnson, City Attorney  
Nate Brown, Community Development  
Bill Lawyer, Public Works Director  
John Teague, Police Chief  
Tim Wood, Finance Director  
Tracy Davis, City Recorder

**FLAG SALUTE**

Students from Whiteaker Middle School led the pledge of allegiance.

**SPECIAL  
ORDERS OF  
BUSINESS**

**a. Keizer Police  
Department –  
Recognition of  
K-9 Vest  
Donation**

Chief John Teague explained that Pat Wilson and her family donated money to “Vested Interest in K-9s, Inc.” to provide bullet-proof/stab-proof vests for Keizer K-9s Buster and Bruno. He then presented a plaque to the Wilson family. Sgt. Jeff Goodman gave a brief presentation on the vests.

*James Decker*, a teacher at Whiteaker Middle School, explained that Whiteaker students are desirous of providing a day of service to the community but that funding is needed to help with the cost of transportation. He distributed a handout of planned activities. Council heard testimony from many of the students reiterating the request for funding. Mr. Decker then asked that those willing to be a part of this effort contact the principal at Whiteaker Middle School to donate adding that the financial goal is \$2000.

Discussion followed regarding the possibility of having a list of available service projects posted on the City’s website.

**COMMITTEE  
REPORTS**

*Cat Gaynor* reported that the Parks survey had been completed and the details are being compiled. The analysis will be complete next week and information given to staff for their report to Council. She added that 1102 surveys were completed; over 450 of the responses came from citizens 55 years old or older and 83% of the responders were in favor of a fee. Mayor Clark thanked the Board for their tireless efforts and praised Jordan Epperly for his work on the video.

*Hersch Sangster* reported that the

- Planning Commission Public Hearing to consider allowing a gas station in the Safeway parking lot was continued to April 12 to allow time for clarification of a few details.
- Traffic Safety/Bikeways/Pedestrian Committee is working to upgrade the status of the City's Bicycle Friendly status, is hoping to find funding for a bike repair station, and recently did a presentation at the Safe Routes to School Open House in Salem.
- Monster Cookie Bike Ride is April 20; registration is now open. A portion of the registration is used to promote bike safety. Last year the sponsor, Salem Bike Club, donated \$300 to the Keizer helmet program.

## **PUBLIC TESTIMONY**

*Cindy Swaney*, Keizer, voiced concern regarding safety in Keizer. She explained that she has had contact with people who felt they were unwelcome in Keizer because of their race, citizenship, language or sexual orientation and she urged Council to work together with the Salem-Keizer Education Association, the Salem-Keizer School Board and the City of Salem and develop resolutions to provide a safe and welcoming environment. Councilors voiced support. City Attorney Shannon Johnson reminded them that in 2003 Council passed a resolution indicating they preferred non-involvement with State and Federal policy issues so they should consider whether or not it was an appropriate local concern. Council agreed that they wanted to pursue this.

*John Scott*, Keizer, echoed Ms. Swaney's concerns, provided details relating to discrimination and urged that Council consider the communities of color and the communities of other. Mayor Clark noted that following through on Council goals for community engagement might be a more effective method of change rather than passing a resolution. She urged Councilors to consider how to deepen the commitment to this and make sure that they are listening, available, and building relationships.

## **PUBLIC HEARINGS**      None

### **ADMINISTRATIVE ACTION**

#### **a. ORDINANCE – Amending Keizer Development Code Regarding Section 2.311 (Planned Unit Development**

City Attorney Shannon Johnson reminded Council that the matter was before them last month in a Public Hearing and Council had directed staff to bring back an ordinance with findings to make the change in the Code. That is being offered for Council approval.

Councilor Parsons moved that the Keizer City Council adopt a Bill for an Ordinance Amending Keizer Development Code Regarding Section 2.311 (Planned Unit Development Design Standards); Amending Ordinance 98-389. Councilor Freeman seconded.

Mayor Clark offered a friendly amendment to amend page 6, Section 2.311.06, Section A.6, by adding: "to include the Fair Housing Act, ADA and other regulations". Councilors Parsons and Freeman accepted the amendment.

**Design  
Standards);  
Amending  
Ordinance 98-  
389**

Councilor Freeman questioned if this sort of addition is one that is typically included in other ordinances. Mr. Brown responded that typically staff avoids getting too specific about naming federal laws in local ordinances because they are beyond the City's ability to enforce.

Motion passed unanimously as follows:

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**CONSENT  
CALENDAR**

- A. RESOLUTION – Authorizing the City Manager to Enter Into an Agreement with Salem Concrete Paving for Construction of ADA Sidewalk Drop Ramps (Stonehedge/Manzanita/Lockhaven)
- B. RESOLUTION – Authorizing the City Manager to Enter Into a Contract for River Road Storm Drain Repairs with Emery & Sons Construction Group
- C. RESOLUTION – Authorizing the City Manager to Enter Into Amendment of Street and Right of Way Landscape Maintenance Services Contract
- D. Approval of February 21, 2017 Regular Session Minutes
- E. Approval of March 6, 2017 Regular Session Minutes

Councilor Freeman pulled Item D.

Councilor Parsons moved for approval of Items A, B, C and E of the Consent Calendar. Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Responding to inquiry Mr. Johnson explained that the rule had been changed and Councilors could vote to approve Minutes of meetings they had not attended.

Councilor Parsons moved for approval of Item D of the Consent Calendar. Councilor Freeman seconded. Motion passed as follows:

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**COUNCIL  
LIAISON  
REPORTS**

Councilor Reid reported on McNary news and activities, Keizer Homegrown Theater, and Southeast Keizer Neighborhood Association. She thanked Ken Gierloff for his work with the association and involving the Hispanic community and other communities of color. She reported that the Civic Center cleanup event had about 50 volunteers including

McNary youth, ROTC, and National Honor Society youth, thanked Mark Caillier and Matt Lawyer, and work continues on developing the Deputy Youth Councilor position.

Councilor Freeman reported on the recent West Keizer Neighborhood Association meeting and announced committee vacancies. She thanked Councilor Reid for working the entire shift at the Civic Center cleanup event, and thanked Lakepoint Church, Highway Fuel, Mark Caillier and Matt Lawyer.

Councilor Ryan reported on the Chamber Forum luncheon, the Marion County State of the County address, and the Keizer United Board. She reminded voters to take time to read about the School Board candidates and commended the Oregon State University and University of Oregon basketball teams.

Councilor Parsons praised the State of the City address given by Mayor Clark and urged everyone to visit [www.keizereclipse.com](http://www.keizereclipse.com) to learn more about the upcoming eclipse event and to reserve a campsite. Volunteers for this event should contact her.

Councilor Herrera reported on the Commissioners breakfast, Kennedy School fundraiser and the Kennedy Leadership school grounds cleanup project. He noted that he took former Councilor Koho to see Lewis Black and announced that a great man from the community and legendary coach, Larry Smith, had passed away.

Councilor Anderson reported that he too had attended the State of the City address and the Commissioner breakfast. He urged drivers to be cautious during spring break and announced the upcoming choir festival at Sprague.

Mayor Clark thanked the Chamber for hosting the State of the City Address and announced that it is available for viewing on line. She added that she had attended a dinner with Salem Pastoral Center which was a fundraiser for people who need money for counseling services. Upcoming meetings include Council of Governments and Strategic Economic Development Core Boards, and Salem-Keizer Area Transportation Study meetings. Claggett Creek Watershed Council April 1 event was cancelled.

## **OTHER BUSINESS**

Finance Director Tim Wood announced that for the 18<sup>th</sup> consecutive year Keizer had received the Certificate for Achievement of Excellence in Financial Reporting.

Mayor Clark asked Public Works Director Bill Lawyer if the vegetation in the creek by Courthouse and McNary Restaurant would cause flooding in the spring. Mr. Lawyer explained that there is no cause for concern.

Community Development Director Nate Brown reported that Tuesday the Salem-Keizer School Board Task Force for Facilities Planning made their final recommendation to the School Board: All high schools are to be sized to

appropriately handle a slightly larger population instead of building a new one. This recognizes the importance of schools in the community fabric and would mean constructing facilities that are already at McNary. Parking was not addressed at this level. Seismic upgrades were addressed as well.

**WRITTEN  
COMMUNICATIONS**

None

**AGENDA INPUT**

**April 3, 2017** – 7:00 p.m. – City Council Regular Session

**April 10, 2017** - 6:00 p.m. – Long Range Planning Task Force Meeting

**April 17, 2017** – 7:00 p.m. City Council Regular Session

**April 24, 2017** – 5:45 p.m. City Council Work Session

- Mid-Willamette Homeless Initiative Task Force Presentation

**ADJOURNMENT**

Mayor Clark adjourned the meeting at 8:58 p.m.

MAYOR:

APPROVED:

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Cathy Clark

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Debbie Lockhart, Deputy City Recorder

**COUNCIL MEMBERS**

---

Councilor #1 – Laura Reid

---

Councilor #4 – Roland Herrera

---

Councilor #2 – Kim Freeman

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Councilor #5 – Amy Ryan

---

Councilor #3 – Marlene Parsons

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Councilor #6 – Bruce Anderson

Minutes approved: \_\_\_\_\_





**MINUTES**  
**KEIZER CITY COUNCIL**  
**Monday, April 3, 2017**  
**Keizer Civic Center, Council Chambers**  
**Keizer, Oregon**

**CALL TO ORDER**

Mayor Clark called the meeting to order at 7:00 pm. Roll Call was taken as follows:

**Present:**

Cathy Clark, Mayor  
Marlene Parsons, Councilor  
Roland Herrera, Councilor  
Bruce Anderson, Councilor  
Laura Reid, Councilor  
Amy Ryan, Councilor  
Kim Freeman, Councilor  
Giancarlo Marcelo, Youth Councilor

**Staff:**

Chris Eppley, City Manager  
Shannon Johnson, City Attorney  
Nate Brown, Community  
Development Director  
Bill Lawyer, Public Works Director  
John Teague, Police Chief  
Tim Wood, Finance Director  
Tracy Davis, City Recorder

**FLAG SALUTE**

Mayor Clark led the pledge of allegiance.

**SPECIAL ORDERS OF BUSINESS**

**a. Swearing in of  
Keizer Police  
Officer Kevin  
Renfro**

Police Chief Teague introduced Keven Renfro and reviewed his qualifications and past experience. City Attorney Shannon Johnson then performed the swearing in.

**a. PROCLAMATION  
- Volunteer  
Recognition  
Month**

Mayor Clark read the Proclamation announcing April as Volunteer Recognition Month. Trish Crenshaw, Chair of the Volunteer Coordinating Committee, thanked Councilors for their dedication and service and distributed cookies as a token of appreciation.

**COMMITTEE REPORTS** None

**PUBLIC  
TESTIMONY**

*Cyndy Swaney* and *John Scott*, Keizer, brought an Affirmation of a Welcoming and Inclusive Union and read a 'Rationale' that distinguished Oregon as having the highest per capita hate incidents in the nation. They read the document and urged that Keizer pass something similar. Discussion followed as to why it should be adopted. Mayor Clark asked for copies of the resolution adopted by Salem and noted that Ms. Swaney and Mr. Scott would be invited to the work session when Council begins working on the 'Community Engagement' Council goal.

*Charles Anderson*, Keizer, voiced concern over the extensive traffic and dangerous pedestrian conditions in his neighborhood. He urged that the gate to McNary be locked on McArthur. Mr. Eppley explained that that decision is solely the responsibility of the School District and that schools are above the City in rank order. Mayor Clark added that the District is aware of this and they know they have to work on it.

**PUBLIC HEARINGS**      None

**ADMINISTRATIVE  
ACTION**

**a. Keizer Parks  
Advisory Board  
Survey Report**

Public Works Director Bill Lawyer provided detailed background regarding the efforts made by the Parks Board to secure citizen feedback regarding the option of initiating a fee to help fund maintenance and operation of city parks. Parks Advisory Board Chair David Loudon and members Matt Lawyer and Jim Taylor introduced themselves to Council. Matt Lawyer and Jim Taylor provided information regarding the outreach and survey findings and suggested options for collection and establishment of a fee. Following discussion regarding the process, Mayor Clark noted that Council would hold a Special Council Session that will include public testimony, options, and what needs to go into a step like this.

**b. RESOLUTION –  
Adoption of  
2017-2019 City  
Council Goals**

City Manager Chris Eppley explained that Short and Long Term Goals were discussed in a Council Work Session. They have been incorporated into a Resolution which is being offered for Council approval.

Councilor Parsons moved that Keizer City Council adopt a Resolution – Adoption of 2017-2019 City Council Goals. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**c. Amendments to  
City Council  
Rules of  
Procedure**

City Attorney Shannon Johnson explained that procedures have not been updated for several years and some areas needed updating. A summary of the changes was in his staff report. Additionally he asked Council to consider implementation of a 'Guest Councilor' program. Discussion followed regarding social media, Facebook pages, and the deputy youth councilor position. Council agreed by consensus to move forward with this when staff brings a resolution.

Discussion followed regarding implementing the guest councilor program. Council indicated they would like more information on how the program is run in other cities, and that they wanted the Volunteer Coordinating Committee to provide input on how the program should be run.

Mr. Johnson responded that he would provide the VCC with Salem's procedures and any others he could find.

**d. ORDINANCE –  
Amending  
Ordinance  
Regulating  
Parking and  
Establishing  
Enforcement  
Procedures;  
Amending  
Ordinance No.  
2005-535 and  
Ordinance No.  
2014-708**

Mr. Johnson explained that because state provisions for such actions are not entirely clear, he drafted this ordinance to add the provision back that was in an older parking ordinance allowing the towing and impound of vehicles in violation. At the suggestion of the Municipal Court Judge, fine amounts are the same as state fines. He suggested changing verbiage in Section 12(a) from ‘a police officer’ to ‘an authorized person’.

Discussion followed regarding administration costs, minimum fines, and collections. Council suggested that Section 2 be deleted entirely for now and that Mr. Johnson work with Chief Teague to work out the different fines as related to circumstances.

Councilor Parsons moved to adopt a Bill for an Ordinance Amending Ordinance Regulating Parking and Establishing Enforcement Procedures; Amending Ordinance No. 2005-535 and Ordinance No. 2014-708, as amended and deleting Section 2. Councilor Freeman seconded. Motion passed unanimously as follows:

AYES: Clark, Reid, Parsons, Ryan, Freeman, Herrera and Anderson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

Council directed Mr. Johnson to bring this back for further work later on.

**CONSENT CALENDAR**      None

**COUNCIL  
LIAISON  
REPORTS**

Councilor Anderson reported that he had attended: a Municipal Court session to view Judge Myers and will discuss that at a future meeting; Audit Committee meeting, and the High School Choir Festival at Sprague High School. He encouraged all to attend the choir event next year.

Councilor Herrera reported that he had attended the celebration of life for Larry Smith, met Barbara Roberts at Woodburn for the Latino Candidates Kick-off for school board elections and announced the Rotary Banquet.

Councilor Parsons announced that she had attended a court session and the Audit Committee meeting. Festival Advisory Board did not have a quorum but some details were worked out with Community Emergency Response Teams (CERT). Planning Commission meets next week.

Councilor Reid encouraged everyone to volunteer to help with McNary Track. She announced a meeting for freshman students interested in the Rotary Exchange Program, McNary Theater Department participation in a State Thespian Society performance at the Elsinore and their free rehearsal, and a new program called “The McNary Klose” which is working with Keizer Network of Women (KNOW) as a clearing house for donations of clothing, food, and hygiene products to students in need.

Councilor Freeman thanked volunteers all over the city, announced that she had attended the Audit Committee meeting and would be attending

the Traffic Safety/Bikeways/Pedestrian Committee and West Keizer Neighborhood Association meetings.

Councilor Ryan reported on the Arts Commission meeting, and announced the Salem Keizer Education Foundation Student Art Show and that Keizer United is looking for volunteers.

Youth Councilor Giancarlo Marcelo announced the upcoming McNary Studio production and the Salem Music Scene Fundraiser. He will be performing.

Mayor Clark reported on the Strategic Economic Development Corporation meeting and the Town Hall with Bill Post. She announced that the Regional Transportation Improvement Plan is out for public comment, there is new art at the Keizer Art Association, McNary families are now hosting exchange students from Germany, ribbon cutting at Safeway, Keizer Little League opening ceremonies, and celebrations to honor the 100<sup>th</sup> birthdays of Dr. Casterline and Millie Freshour.

## **OTHER BUSINESS**

Community Development Director Nate Brown announced that the Waremart by Winco permit was issued today.

## **WRITTEN COMMUNICATIONS** None

**AGENDA INPUT**      **April 10, 2017** - 6:00 p.m. – Long Range Planning Task Force Meeting  
                                 **April 17, 2017** – 7:00 p.m. City Council Regular Session  
                                 **April 24, 2017** – 5:45 p.m. City Council Work Session  
                                 • Mid-Willamette Homeless Initiative Task Force Presentation  
                                 **May 1, 2017** – 7:00 p.m. – City Council Regular Session

**ADJOURNMENT**      Mayor Clark adjourned the meeting at 9:27 p.m.

MAYOR:

APPROVED:

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Cathy Clark

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Debbie Lockhart, Deputy City Recorder

### **COUNCIL MEMBERS**

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Councilor #1 – Laura Reid

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Councilor #4 – Roland Herrera

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Councilor #2 – Kim Freeman

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Councilor #5 – Amy Ryan

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Councilor #3 – Marlene Parsons

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Councilor #6 – Bruce Anderson

Minutes approved: \_\_\_\_\_