



City of Molalla
2019
City Council
Orientation Handbook

**2019 City of Molalla
City Council Orientation Handbook**

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CITY COUNCIL



CITY COUNCIL

Orientation Manual

Section One

City Roster



City of Molalla, Oregon

CITY COUNCIL

September 1, 2019

<p><u>MAYOR KEITH SWIGART</u> 210 S. Cole Ave. PO Box 408 Molalla, OR 97038 kswigart@cityofmolalla.com Elected: 11/8/2016 Appointed Mayor: 3/13/2019 Term Expires: 12/31/2020</p>	<p><u>COUNCIL PRESIDENT ELIZABETH KLEIN</u> 699 June Drive Molalla, OR 97038 eklein@cityofmolalla.com Elected: 11/6/2018 Term Expires: 12/31/2022</p>
<p><u>COUNCILOR LEOTA CHILDRESS</u> 150 Indian Oak Court, Unit 3 Molalla, OR 97038 lchildress@cityofmolalla.com Appointed: 03/09/2016 Term Expires: 12/31/2018</p>	<p><u>COUNCILOR DELISE PALUMBO</u> 125 Glory Lane Molalla, OR 97038 dpalumbo@cityofmolalla.com Elected: 11/8/2016 Term Expires: 12/31/2020</p>
<p><u>COUNCILOR JODY NEWLAND</u> 321 Chinook Street Molalla, OR 97038 jnewland@cityofmolalla.com Appointed: 8/22/2018 Term Expires: 12/31/2020</p>	<p><u>COUNCILOR TERRY SHANKLE</u> 840 Explorer Avenue Molalla, OR 97038 tshankle@cityofmolalla.com Elected: 11/6/2018 Term Expires: 12/31/2022</p>

CITY COUNCIL



CITY COUNCIL

Orientation Manual

Section Two

City Charter

THE CHARTER OF MOLALLA

PREAMBLE

We, the voters of Molalla, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state and enact this Home Rule Charter. (Reso. No. 2011-10)

Chapter I NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the 2010 City of Molalla Charter. (Reso. No. 2011-10)

Section 2. Name. The City of Molalla, Oregon, continues as a municipal corporation with the name City of Molalla. (Reso. No. 2011-10)

Section 3. Boundaries. The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record an accurate and current description of its boundaries. (Reso. No. 2011-10)

Chapter II POWERS

Section 4. Powers. The City has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers. (Reso. No. 2011-10)

Section 5. Construction. The charter will be liberally construed so that the City may exercise fully all powers possible under this charter and under United States and Oregon law. (Reso. No. 2011-10)

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the Council except as the charter otherwise provides. The Council has legislative, administrative and quasi-judicial authority. The Council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The Council may not delegate its authority to adopt ordinances. (Reso. No. 2011-10)

Chapter III ELECTED OFFICIALS

Section 7. Council. The Council consists of a mayor and six Councilors nominated and elected from the city at large. (Reso. No. 2011-10)

Section 8. Mayor. The mayor presides over and facilitates Council meetings, preserves order, enforces Council rules and determines the order of business under Council rules. The mayor is a voting member of the Council and has no veto authority. The mayor, with the consent of Council, appoints members of boards, Councils and committees established by ordinance or resolution. The mayor must sign all records of Council decisions. The mayor serves as the political head of the city government. (Reso. No. 2011-10)

Section 9. Council President. At its first meeting each year, the Council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties. (Reso. No. 2011-10)

Section 10. Term Limit. No Councilor, including those serving on July 1, 2012, may be elected to a city office, or any combination of such offices, for a period to exceed eight consecutive years. (Reso. No. 2011-12)

Section 11. Rules. The Council must adopt by resolution rules to govern its meetings and proceedings. (Reso. No. 2011-10)

Section 12. Meetings. The Council must meet at least once a month at a time and place designated by Council rules, and may meet at other times in accordance with the rules. (Reso. No. 2011-10)

Section 13. Quorum. A majority of the Council members is a quorum to conduct business. (Reso. No. 2011-10)

Section 14. Vote Required. The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this charter requires approval by a majority of the Council. (Reso. No. 2011-10)

Section 15. Record. A record of Council meetings must be kept in a manner prescribed by the Council rules. (Reso. No. 2011-10)

Chapter IV LEGISLATIVE AUTHORITY

Section 16. Ordinances. The Council will exercise its legislative authority by enacting ordinances. The enacting clause for all ordinances must state "The City of Molalla ordains:" (Reso. No. 2011-10)

Section 17. Ordinance Enactment.

- (a) Except as authorized by subsection (b), enactment of an ordinance requires approval by a majority of the Council at two meetings.
- (b) The Council may enact an ordinance at a single meeting by the unanimous approval of at least four members of the Council, provided the proposed ordinance is available in writing to the public at least five days before the meeting.
- (c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council enacts the ordinance at that meeting.
- (d) After the adoption of an ordinance, the vote of each Councilor must be entered into the Council minutes.
- (e) After ordinance enactment, the city recorder must attest to the ordinance by name, title and date of enactment. (Reso. No. 2011-10)

Section 18. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after enactment, or on a later day provided in the ordinance. An ordinance may take effect as soon as enacted or any other date less than 30 days after enactment if it contains an emergency clause. (Reso. No. 2011-10)

Chapter V ADMINISTRATIVE AUTHORITY

Section 19. Resolutions. The Council will normally exercise its administrative authority by adopting resolutions. The adopting clause for resolutions must state "The City of Molalla resolves:" (Reso. No. 2011-10)

Section 20. Resolution Adoption.

- (a) Adoption of a resolution or any other Council administrative decision requires approval by the Council at one meeting.
- (b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.
- (c) After adoption of a resolution or other administrative decision, the vote of each Councilor must be entered into the Council minutes.
- (d) After adoption of a resolution, the city recorder must attest to the resolution by name, title and date of adoption. (Reso. No. 2011-10)

Section 21. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of adoption, or on a later date provided in the resolution. (Reso. No. 2011-10)

Chapter VI QUASI-JUDICIAL AUTHORITY

Section 22. Orders. The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders must state "The City of Molalla orders:" (Reso. No. 2011-10)

Section 23. Order Approval.

- (a) Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one meeting.
- (b) Any substantive amendment to a proposed order must be read aloud or made available in writing to the public at the meeting before the Council approves the order.
- (c) After approval of an order or other Council quasi-judicial decision, the vote of each Councilor must be entered in the Council minutes.
- (d) After approval of an order, the city recorder must attest to the order by name, title and date of adoption. (Reso. No. 2011-10)

Section 24. Effective Date. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later date provided in the order. (Reso. No. 2011-10)

Chapter VII ELECTIONS

Section 25. Councilors. At each general election after the effective date of this charter, three Councilors will be elected for four-year terms. The term of a Councilor in office when this charter is adopted is the term for which the Councilor was elected. (Reso. No. 2011-10)

Section 26. Mayor. At every other general election after the effective date of this charter, a mayor will be elected for a four-year term. The term of the mayor in office when this charter takes effect is the term for which the mayor was elected. (Reso. No. 2011-11; Reso. No. 2011-10)

Section 27. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan. (Reso. No. 2011-10)

Section 28. Qualifications.

- (a) The mayor and each Councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.
- (b) No person may be a candidate at a single election for more than one city office.
- (c) Neither the mayor nor a Councilor may be employed by the city.
- (d) The Council is the final judge of the election and qualifications of elected officials. (Reso. No. 2011-10)

Section 29. Nominations. The Council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a Councilor position. (Reso. No. 2011-10)

Section 30. Terms. The term of an officer elected at a general election begins at the first Council meeting of the year immediately after the election and continues until the successor qualifies and assumes the office. (Reso. No. 2011-10)

Section 31. Oath. The mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon, and the charter, ordinances and resolutions of the city. (Reso. No. 2011-10)

Section 32. Vacancies. The mayor or a Councilor office becomes vacant:

- (a) Upon the incumbent's:
 - (1) Death;
 - (2) Adjudicated incompetence; or
 - (3) Recall from the office.

- (b) Upon declaration by the Council after the incumbent's:
 - (1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
 - (2) Absence from the city for 30 days without Council consent, or from all Council meetings within a 60-day period;
 - (3) Ceasing to reside in the city;
 - (4) Ceasing to be a qualified elector under state law;
 - (5) Conviction of a public offense punishable by loss of liberty;
 - (6) Resignation from the office; or
 - (7) Violation of Section 33(i) of this charter. (Reso. No. 2011-10)

Section 33. Filling Vacancies. A vacancy in the office of mayor or Councilor will be filled by a majority of the remaining Council members. The term of office for the appointee runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a Council member from attending Council meetings or a member is absent from the city, a majority of the consent of the Council may appoint a Councilor pro tem. (Reso. No. 2011-10)

Chapter VIII APPOINTIVE OFFICERS

Section 34. City Manager.

- (a) The office of city manager is established as the administrative head of the city government. The manager is responsible to the mayor and Council for the proper administration of city business. The manager will assist the mayor and Council in the development of city policies and carry out policies set by ordinances and resolutions.

- (b) A majority of the Council may appoint and may remove the manager. The appointment must be made without regard to political considerations and solely based on education and experience relating to local government management.

- (c) The manager is appointed for a definite or an indefinite term and may be removed at any time by a majority of the Council. The Council must fill the office by appointment as soon as practicable after a vacancy occurs.
 - 1. (d) The manager must:
 - (1) Countersign all orders on the city treasury;
 - (2) Ensure that an accurate record is kept of the city's proceedings;
 - (3) Ensure that all books, papers, records and other documents connected with business of the Council, or which may be the property of the city are securely kept;
 - (4) Attend all Council meetings unless excused by the mayor or Council;
 - (5) Make reports and recommendations to the mayor and Council about the needs of the city;
 - (6) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
 - (7) Appoint, supervise, and remove city employees;
 - (8) Organize city departments and administrative structure;
 - (9) Prepare and administer the annual city budget;

- (10) Administer city utilities and property;
- (11) Encourage and support regional and intergovernmental cooperation;
- (12) Promote cooperation among the Council, staff and residents in developing city policies, and building a sense of community;
- (13) Perform other duties as directed by the Council; and
- (14) Delegate duties but remain responsible for acts of all subordinates.

(e) The Mayor and Councilors may not directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the manager relating to city business.

(f) The manager has no authority over the Council or over the judicial functions of the municipal judge.

(g) The manager and others designated by the Council may sit at Council meetings but have no vote. The manager may take part in all Council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office becomes vacant, the Council must appoint a manager pro tem as prescribed by Council rules. The manager pro tem has the authority and duties of manager, except that a manager pro tem may not appoint or remove employees without Council approval. (Reso. No. 2011-14; Reso. No. 2011-10)

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the Council may appoint and may remove the city attorney. (Reso. No. 2011-10)

Section 36. Municipal Court and Judge.

(a) A majority of the Council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the Council directs. The court will be known as the municipal court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Order the arrest of anyone accused of an offense against the city;
- (3) Commit to jail or admit to bail anyone accused of a city offense;
- (4) Issue and compel obedience to subpoenas;
- (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
- (6) Penalize contempt of court;
- (7) Issue processes necessary to enforce judgments and orders of the court;
- (8) Issue search warrants; and
- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The Council may appoint and may remove municipal judges pro tem.

(g) The Council may transfer some or all of the functions of the municipal court to a state court. (Reso. No. 2011-10)

Chapter IX PERSONNEL

Section 37. Personnel Rules. The Council by resolution will adopt rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness. (Reso. No. 2011-10)

Chapter X ANNEXATIONS

Section 38. Annexations. Annexations of territory to the city that are initiated by property owners shall be approved by the voters in an election to be paid for by the property owners seeking annexation. (Reso. No. 2011-13)

Chapter XI MISCELLANEOUS PROVISIONS

Section 39. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness. (Reso. No. 2011-10)

Section 40. Ordinance Continuation. All ordinances, resolutions, orders and rules in force and consistent with this charter when it takes effect remain in effect until amended or repealed. (Reso. No. 2011-10)

Section 41. Repeal. All charter provisions adopted before this charter takes effect are repealed. (Reso. No. 2011-10)

Section 42. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other term of this charter. (Reso. No. 2011-10)

Section 43. Time of Effect. This charter takes effect January 1, 2011. (Reso. No. 2011-10)

CITY COUNCIL



CITY COUNCIL
Orientation Manual
Section Three
Molalla
Government

CITY OF MOLALLA
Government

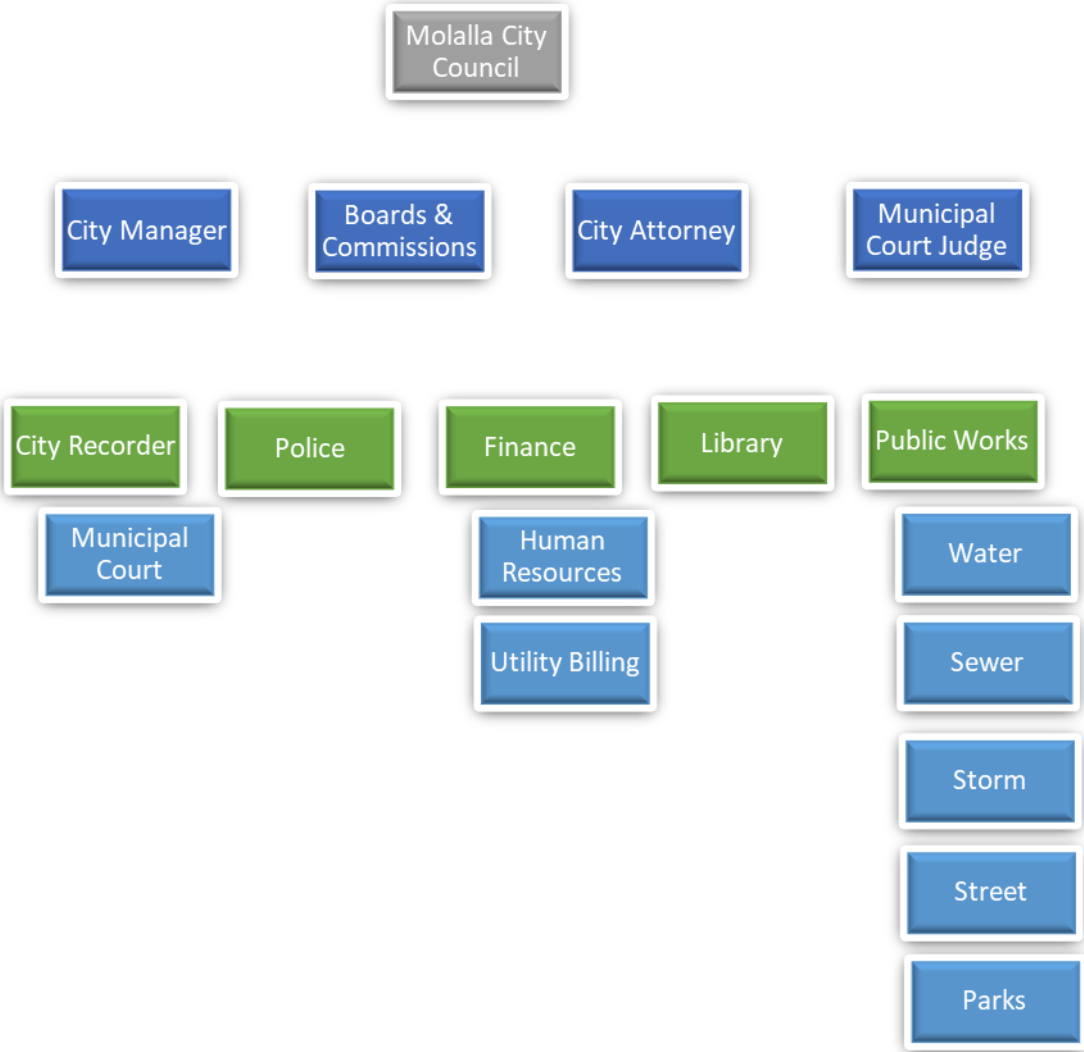
The City Council of the City of Molalla is composed of the Mayor and six Councilors elected from the city at large for terms of four years each. The election of the Mayor and City Councilors is non-partisan and is held in even-numbered years. No Councilor may be elected to a city office, or any combination of such offices, for a period to exceed eight consecutive years.

The mayor presides over and facilitates Council meetings, preserves order, enforces Council rules and determines the order of business under Council rules. The mayor is a voting member of the Council and has no veto authority. The mayor, with the consent of Council, appoints members of boards, Councils and committees established by ordinance or resolution. The mayor must sign all records of Council decisions. The mayor serves as the political head of the city government.

At its first meeting each year, the Council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

A majority of the Council members is a quorum to conduct business.

ORGANIZATIONAL CHART
City of Molalla



FORM OF GOVERNMENT

The City of Molalla operates through a Council/Manager form of government consisting of an elected Mayor and City Councilors who appoint a City Manager to manage the operations. The City Council also appoints a municipal judge. The City Manager oversees the operations of all departments. These departments are:

Administration: City Manager's Office; City Recorder's Office
Economic Development
Finance
Municipal Court
Parks & Recreation
Library
Police
Planning
Public Works

The City Council is the City's legislative and policy-making body. As a whole, the City Council is responsible for passing ordinances and resolutions necessary for governing the City, in addition to setting the direction of City policy. The City Manager is responsible for the overall administration of the City and works with the City Council and citizens to plan for the future of the City. The City Manager assists the City Council in defining and implementing the City's vision by setting goals and establishing objectives to reach these goals. The City Manager also assists in matters of policy research, identifying areas requiring legislative policy decisions, and preparing recommendations on alternative courses of action.

The employment relationship between the City Council and the City Manager honors the fact that the City Manager is the chief executive officer of the City of Molalla. The City Council should avoid situations that can result in city staff being directed, intentionally or unintentionally, by one or more members of the City Council. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters.

MUNICIPAL JUDGE RESPONSIBILITIES

According to the City of Molalla's Charter, the municipal judge's duties include:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Order the arrest of anyone accused of an offense against the city;
- (3) Commit to jail or admit to bail anyone accused of a city offense;
- (4) Issue and compel obedience to subpoenas;
- (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
- (6) Penalize contempt of court;
- (7) Issue processes necessary to enforce judgments and orders of the court;
- (8) Issue search warrants; and
- (9) Perform other judicial and quasi-judicial functions assigned by ordinance.

For more information on the responsibilities and duties of the municipal judge, refer to Section 36 of the City Charter.

CITY COUNCIL / CITY ATTORNEY RELATIONSHIP

The City Attorney shall be appointed by and shall serve at the discretion of the City Council. The City Attorney serves as the chief legal officer of city government. The general legal responsibilities of the city attorney are:

Provide legal assistance necessary for formulation and implementation of legislative policies and projects.

Represent the City's interests, as determined by the City Council in litigation, hearings, negotiations, and similar proceedings.

Prepare contracts, charter amendments, ordinances, bonds, and other legal documents to best reflect and implement the purposes for which they are prepared.

Keep the City Council and staff apprised of court rulings and legislation affecting the legal interests of the City.

It is important to note that the city attorney does not represent individual members of the City Council, but the City Council as a whole.

CITY MANAGER CODE OF ETHICS – INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA)

Adopted in 1924, the ICMA Code of Ethics defines the principles that today serve as the foundation for the local government management profession and set the standard for excellence. Credentialing for managers includes commitment to upholding high ethical standards as listed below and to attend an annual training program to continually improve the skills and practices on the job. ICMA members pledge to uphold these ethical principles in their conduct and decisions in order to merit the trust of the public, elected officials, and staff they serve.

The following five pages list the ICMA Code of Ethics with Guidelines.

ICMA Code of Ethics - With Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Guideline

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Guidelines

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

Guideline

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Guideline

Conflicting Roles. Members who serve multiple roles--working as both city attorney and city manager for the same community, for example--should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Guidelines

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members should not engage in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections on the Council-Manager Plan. Members may assist in preparing and presenting materials that explain the Council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

Presentation of Issues. Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Guidelines

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Guideline

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.

Guideline

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Guidelines

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form--under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Members should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

(Taken from the ICMA Web site, <http://icma.org>)

CITY COUNCIL



CITY COUNCIL

Orientation Manual

Section Four

Guidelines and Duties For Elected Officials

CITY OF MOLALLA
Guidelines & Duties for Elected Officials

The Mayor and City Councilors, as representatives of the City of Molalla, can render better service if they understand their duties, are aware of their responsibilities, and are informed of the best methods for carrying out their charge. Among their public duties, the Mayor and City Councilors provide leadership for constituents, arbitrate conflicting interests, and make sound decisions by studying problems and reviewing alternatives to determine the best course of action. The Mayor and City Councilors are responsible for establishing policy, adopting the City's budget, and providing direction to the City Manager. The Mayor and City Councilors represent the City on local, regional, and state boards, Councils, and committees.

The City Manager is responsible for implementing the policy decisions of the Mayor and Council. Because the City Manager is responsible for the day-to-day operation of City government, the Council issues all priority orders and directives through the City Manager. On occasion, the Mayor or a Councilor may use the less formal process of making a request or suggestion directly to a department director. If the request or suggestion raises any policy or procedural questions, it should be brought to the attention of the City Manager.

POLICY MAKING

Policy is established by a majority vote of the City Council. While individual members may disagree with a decision of the majority, a decision of the majority does bind the City Council to a course of action. It is the City Manager's responsibility to ensure the policy of the City Council is implemented.

All phases of the City Councilor's job are involved in the determination of policy. The City Manager can assist the City Council in studying and determining municipal policies. A good example of this is the budget process. The City Manager and staff gather the budget information, prepare the budget, review the budget with the budget committee, and submit the budget to the City Council. The City Council reviews the budget, revises as necessary, and adopts the budget.

Policy making is the process of deciding what is to be done for the City. This can easily be confused with how a program is to be administered, which is the responsibility of the City Manager. Simply stated, policy making is the "what to do" and administration is "how to do it." In municipalities, policy can take the form of ordinances, resolutions, and motions.

OTHER DUTIES

CONTACT WITH CONSTITUENTS

On occasion, the Mayor and City Councilors are requested to attend a district meeting, neighborhood meeting, or homeowner association meeting. These are opportunities to understand the needs of the residents and can assist in policy making.

CEREMONIAL DUTIES

The Mayor and City Councilors can expect invitations to groundbreakings, ribbon cuttings, openings for parks, capital improvement projects, business, and special projects.

REPRESENTING THE CITY OF MOLALLA

Representing the City of Molalla at the state and federal level in matters of municipal interest is an important role for the Mayor and City Councilors. Issues that affect the City's ability to govern and operate successfully are monitored by the City Manager's Office, and the City Council, as an elected body, should communicate on such issues with the state and federal legislatures.

CONFERENCES AND TRAININGS

The Mayor and City Councilors have the opportunity to attend state and national conferences for public officials and municipal organizations. These conferences provide the City Council with opportunities to create relationships with other elected officials as well as discover what other cities are accomplishing. The Mayor and City Councilors' training and conference opportunities are limited by dollars budgeted for such training and conferences and any other requirements as imposed by the City Council on itself.

MEDIA RELATIONS

TIPS ON MEDIA RELATIONS

Public relations are extremely important, and City Councilors should be prepared to respond to media questions at some time. The following pages contain some tips on media relations.

As an elected official of the City of Molalla, you play a fundamental role in determining the direction of the City's goals and objectives. Your position on the City Council may require you to interact with the media. The following list contains twelve tips on working with the media and the public. These tips will assist you in building media relations and promote a positive image of the City of Molalla.

1. Remember you are a City Councilor, elected to serve the citizens of Molalla. If you keep the needs and desires of the citizens in mind as you perform your duties, the process of reporting your actions is always easier.
2. Remember you are communicating with citizens of Molalla and surrounding areas, not the reporter. What do you want the citizens to know about what is happening? What type of impact will it have on the City's quality of life? When sending a message to the community, state the message several times. This increases your chances that the reporter will quote you on this point.
3. Remember the reporter is also a citizen. If he or she does not understand a situation or message you are sending, the reporter will not be able to explain it to the citizens. It may be necessary to provide reporters with background information and reports. If you are unable to answer a question, admit you do not know the answer and you will get back to them. Be truthful and only state the facts. Incorrect statements can easily be misinterpreted and greatly affect your image and that of the City. It is okay to say, "I do not know."
4. Remember that nothing is off the record. Only make statements that you wish to see in print.
5. Remember a relationship with the press must be developed. Involve the media leadership in community questions as major policy issues develop. Thank the media for articles and for their ideas and help. If a reporter prints something you disagree with, talk with them in the same manner you would handle a work associate.
6. Develop internal City Hall policies and plans concerning your communications. City Councilors should understand their responsibilities and the information being released. In many instances, the Mayor or City Manager will release information. The City Council should be in agreement and understand their responsibilities when dealing with the press. The City Council should work with the City Manager's Office in being proactive by bringing stories to the media.
7. Remember to do your research before meeting with reporters. City Councilors should consult with each other and the Mayor before taking a position on a critical public issue. Consulting with Councilors, the Mayor, and the City Manager will allow you to better anticipate possible

questions from reporters. Know the facts and implications of the policy issues you will be discussing and avoid off-the-wall comments that could lead to embarrassment for both you and the City.

8. Remember to make yourself accessible to reporters.

9. Always honor deadlines when dealing with reporters. Find out when a reporter needs information for the next issue. Know the deadlines of the various local and state newspapers. Supplying the proper information when needed will help you build a relationship with the reporter.

10. Remember you will not always be pleased with articles and editorials that the media prints. Keep an open mind; “news” as defined by the media means something unusual or something significant to the audience. The media will often present other points of view; do not let this affect your relationship with reporters.

11. Remember never to avoid the media when there is bad news. Provide the media with the information they need to know and continue doing business as usual. The faster you provide information to the media, the less opportunity they have to speculate on the issues.

LOBBYING GUIDELINES

The Oregon Government Ethics Council publishes an excellent document, *Guide to Lobbying in Oregon*, describing the lobbying regulations in Oregon. Briefly stated, the purpose of the lobbying regulations are as follows:

ORS 171.730: Lobbying Regulation Purpose

The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade...be publicly and regularly disclosed.

You may be lobbying and be unaware of your actions. As a City Councilor, it is important to know lobbying regulations. For example, according to the above document, “any of the following activities for which you receive compensation or other consideration, undertaken for the purposes of influencing legislative action or engendering goodwill, would be examples of lobbying:

- Testimony at legislative committee hearings
- Formal appointments
- Casual conversations
- Written correspondence (letters, memos, e-mails, notes)
- Telephone conversations
- Providing
- Entertainment (sports events, movies, theatre)
- Dining, cocktail parties
- Travel and accommodations”

You may or may not be required to register as a lobbyist. KNOW THE LAW, and protect yourself. Contact the OGEC or visit their Web site for more information:

www.ogec.state.or.us

Oregon Government Ethics Council
3218 Pringle Road S.E., Suite 200
Salem, OR 97302-1544
503-378-5105
ogec.mail@oregon.gov

COMMUNICATIONS

One of the most fundamental roles of a City Councilor is communication. Communication with the public and other jurisdictions to assess community opinions and needs, and communication with City staff to provide policy direction and to gain an understanding of the implications of various policy alternatives are all important tasks for a City Councilor.

E-MAIL

Each City Councilor is issued an e-mail address to use for City business, communication with other Councilors, the City Manager, departments, and constituents. All e-mail communication is subject to Open Records Law, as further discussed in this manual.

CORRESPONDENCE

City Councilors may be required to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will transmit the City's position on policy matters to outside agencies and organizations on behalf of the City Council. Individual Councilors may need to prepare letters for constituents in response to an inquiry or to provide requested information. City letterhead and staff cannot be used for personal or political purposes.

DO'S AND DON'T FOR ELECTED OFFICIALS

The following collection of guidelines are excerpts from Do's and Don'ts for Elected Officials, compiled by Patterson Parks Consultants.

RULES FOR EFFECTIVE COUNCILS

Peter Drucker's Six Rules for Presidents

Focus on what needs to be done, not necessarily what you want to do.

Concentrate – don't splinter yourself. Perhaps six to twelve things need to be done. Pick only one or two if you want to accomplish anything at all. *The following is a slight departure from Drucker's rules: Cities can and must do more. However, you have to determine the saturation level for yourself, your staff, and the community.*

Never bet on a sure thing.

Don't micromanage. Appoint good people, define action, give good direction, evaluate progress, demand accountability, and be realistic. When things go wrong, complete the following list in order: Review yourself, look at organizational readiness, evaluate your resources, look at community readiness, and look at staff capabilities.

Appoint professionals, not friends.

Once elected, stop campaigning. Always be mindful of the next election. Treat people well, explain your positions, make decisions, and accomplish something.

In the public sector you have to do better than good, you must be efficient, you have to remember the people out there. In government you have to be better financial managers because you have no excess. Ask yourself why you are here and who is your customer.

- Peter Drucker

PATTERSON PARKS' GUIDELINES FOR COUNCIL BEHAVIOR *(Printed with permission)*

City governance is about relationships. Develop cautious trust in one another and work to build relationships. Broaden your circle and expand your thinking. Help your base of support broaden its thinking. As a Councilor, you'll learn more about issues than you thought possible before you took office. Good-old-boy mentality is just who has whose ear.

Build a relationship with your staff. Understand the management hierarchy and each party's roles and respect them. Know that you influence the organization's morale and ability to perform.

Give clear direction. Then give the responsibility and authority necessary to carry out tasks and/or accomplish goals.

Understand that no one will do things exactly as you would. Either be specific in your direction or accept the outcome as long as goals are accomplished and work is performed within the parameters given.

Attempt to understand other points of view. (This applies even if you believe you have 20/20 vision and the rest of the world wears bifocals.)

Do your homework, learn the issues and alternatives, and move the discussion from cliques and emotions to the facts, options, and reality.

Understand your role and the roles of others. Respect those roles.

Seek compromise where appropriate.

Invite your community to participate in the decision-making process. Make sure that those who come to the table bring something positive, including a willingness to find solutions.

Learn to move forward when you have a consensus. This doesn't mean total support or unanimity from all. You will have to make difficult (and sometimes unpopular) decisions.

Once a decision is made, go forth. Evaluate at intervals. Don't evaluate immediately just because things start badly or because you don't agree with the decision.

Don't be overly concerned with who individually profits from a decision. Instead, ask if the community profits.

Understand the politics of your community. But don't become a slave to political correctness, what the media will say or write, or if your position will be popular.

Preparation is the key to success. Remember the old saying: "The will to win means nothing without the will to prepare."

Have a plan (a great plan), communicate the plan, execute the plan, evaluate your progress, and hold people accountable.

GREAT GOVERNANCE

Great governance is:

Orchestrating, directing, and managing the debate on the community plan and community issues.

Implementing the plan and addressing issues.

Periodic review and adjustment of the plan when and if necessary.

LEADERSHIP, ACTION, AND CONTROVERSY

Citizens expect their Councilors and civic leaders to have a point of view on today's events and to be firm about the destination of the organization or civic journey.

As Councilors, you don't report the news – you make it.

Leadership of your community requires you to be biased about the future. This very trait of leadership will make you a target of those who propose an alternative future.

When you take a position on issues and the future path of your community, you will be criticized more than someone who takes no stand at all.

Your credibility will be questioned.

You must protect your credibility, for it is the metal that allows you to take strong stands.

Leadership is about action:

Develop an organizational culture for getting things done.

This culture of execution is a systematic process of:

- discussing the how and why
- questioning action and proposals
- following through
- ensuring accountability

The execution culture is about:

- making assumptions about your community environment
- assessing your organization's capabilities
- linking strategies to operations and the people who are going to implement the strategy
- synchronizing those people and their various disciplines
- linking rewards to outcomes

Dialogue is the key to this culture.

How people talk to each other absolutely determines how well the organization functions.

Is dialogue politicized, fragmented, or measured?

Or, is dialogue candid and reality-based?

EFFECTIVE DEBATE – Action Requires Debate

Points to Remember:

- Arriving at decisions takes time
- Be cordial and polite, but firm and direct
- Major topics may take more than just the business meetings
- Do homework and prepare thoughts before meetings
- Understand timing of issues

Skills Necessary for Debate:

- Bringing issues forward
- Honesty in thoughts
- Treatment of others during a debate
- Balance personal desire with those in disagreement
- Discover common ground
- Ability to follow through

How to Debate and Decide:

- Specify
- State ideas succinctly
- Specify your position
- Present supporting information and why that position is held
- Clarify

Not everyone sees the issue the same. We each bring different background and perceptions to an issue.

What are the facts we can agree on and how do we develop the information needed to decide?

Allow others to seek clarification of your position.

Modify

Seek modifications or compromise with an attempt to get to common ground to reach the next step.

Seek who agrees, disagrees, or who will agree with identified modifications.

Compromise is an art – learn it, seek alternatives, and know your bottom line and what has to be done.

Ratify

When there is agreement or consensus, move on (may not be unanimous)

Steps to Consider in Addressing Issues and What Questions to Ask Yourself and Others in a Debate

What is the problem or issue?

Define it.

How does it work?

What is being proposed?

What information supports the proposal and is additional information needed to discuss and decide the issue? If so, what?

Does the problem need fixing?

Is it a priority?

Do priorities need adjusting to allow staff to address a new issue?

Do you have a plan of action?

How much does the solution cost and how will you fund it?

Does the proposed action address the issues? Does it make it better?

Do all parties have a common base of information to debate the issue?

What are the expected outcomes?

What are the evaluation criteria?

Other Notes:

Do not try to beat each other down, filibuster, or delay decisions. Once all positions have been explored and positions given, determine what (if any) other information is needed to make a decision.

If there is disagreement, work toward a compromise (what is each person willing to give on)

If no compromise is reached, vote and move on. Agree that the majority position will be supported and evaluate at critical points in the implementation to see if the path should be continued.

Come prepared. Do homework before the meeting. Do not plan to do homework at the meeting as this delays others who have come prepared (unless there is a good reason for not being prepared).

CONTROVERSY

The question is not if, but how you will manage during controversy. You will be debate and controversy. It is the nature of the public process – the clash of issues, desires, and viewpoints.

Fight hard for your positions but remember the collegial role of the Council. Know when you have lost and help make your colleagues' decisions a reality. Jefferson said, "A commitment to popular consent means a willingness to lose."

Work as a Council to build a base of support for your plan or position.

Communicate where you are and why you're there.

Do your homework – know the issues and alternatives.

DECISION CRITERIA

What is best for your community?

What is best for your city?

Is the decision reasonable and realistic?

Is the decision legal, fair, equitable?

Governance is about creating and executing a plan.



Best Practices for an Elected Governing Council
Joe Hertzberg
December 2010

The following guidelines are based on many years of experience with city Councils, county Councils, and other elected governing bodies. However, every Council is unique, and each should discuss and adopt its own guidelines. Most questions have no “right” or “wrong” answers, but it is important that Councilors have the same expectations. It is helpful to review and revise guidelines at least annually.

Expectations and Courtesies

Make every effort to attend every meeting, to arrive on time, and to be prepared.

Do not criticize any Councilor, staff member, or citizen in public.

No surprises: Whenever possible, inform others before they learn important news in public.

Speak only when recognized by the chair. Don't interrupt or engage in side conversations when another Councilor is speaking.

Be brief and to the point.

Say what you mean and mean what you say: Limit political speeches and don't posture or grandstand.

Clearly explain how you got to your position and how it serves the public interest. This is especially important when you disagree with a staff or committee recommendation.

Share credit generously. Spread opportunities to get positive recognition and spread responsibilities to do things that will evoke criticism.

Support the legitimacy of Council decisions, even those you didn't vote for. When a decision is made, move on.

Good Process and Procedure
Meetings

The Council's goal is to adjourn by a fixed time unless extended by majority consent of members present. Any member may call for a point of order at or around 30 minutes before this fixed time to review remaining agenda items. The Council may reset or reschedule items that may not be reached prior to the regular time of adjournment.

Council packets will be available a set number of days prior to business meetings. Councilors are encouraged to submit questions and comments at least 2 business days preceding the business meeting.

Any member can pull an item from the consent agenda to discuss separately at the meeting.

Contact the City Manager in advance and explain your reason for pulling the item.

If you thought about pulling an item but got further information that changed your mind, inform others so they have the same information.

Pulling an item from the agenda to defer consideration is a Council decision.

The allocation of meeting time should reflect the priority among issues.

The purpose of the question and answer period during a public hearing is to elicit information. Councilors should not use it as a forum to express their own positions. This should be reserved for the discussion period.

At a study session, any Councilor may call for a point of order to propose that it would be more appropriate to discuss the matter during a business meeting. The Council will decide whether the discussion should continue or be held during a business meeting.

Issues for Discussion and Decision

Decisions with major financial implications should be considered in the context of citywide priorities, as part of the regular budget process. Cuts or increases should not be made piecemeal.

Council agreement is required to start, slow down, or stop a project.

Process for emerging ideas:

Don't bring an issue to the Council until it is ready.

Consult with the City Manager to help frame issues before introducing new directions or amendments.

Have individual conversations with other Councilors but be careful to give them consistent messages so all have the same information.

When the idea is ripe, schedule a study session for general discussion and to identify next steps.

Internal Communication

Limit use of email to other Councilors:

To transmit information.

To express your own individual opinion.

To suggest that a matter should be discussed by the full Council.

Reply only to comment on whether a matter should be discussed by the full Council.

Occasionally, there may be special reasons for individual briefings rather than a work session for the full Council. When Councilors are individually briefed, it is important for all to get the same information.

External Communication

General

The City Manager or Mayor responds to communications directed to the full Council.

If a communication is directed to an individual Councilor, you may choose to respond as an individual or refer to the City Manager.

The City must speak with one voice on labor issues. Councilors who are contacted individually should make no comment and should report the contact to the City Manager.

Communication with Partners and Allies

In general, the Mayor or City Manager speaks for the City.

In public settings, members must be crystal-clear whether they are speaking as an individual or for the Council.

Communication with Boards, Councils, and Committees

No Councilor should try to influence the deliberation or outcomes of board proceedings.

The Liaison's role is to facilitate two-way communication, helping the board to understand the Council and the Council to understand the board.

Liaison assignments should be equitably allocated among Council members based on their interests, availability, tenure on the Council, and other factors.

Working Relationship between Council and Staff

Council and staff are partners in serving the public. As members of the City team, they play different roles, but they should be working toward the same goals. Mutual trust, confidence, and respect are the keys to effective working relationships.

Communication between Councilors, City Manager, and Staff

In general, Councilors should communicate only with the City Manager or department heads. Department heads will inform the City Manager when they have significant conversations with Councilors. There are several exceptions:

You may communicate directly with staff members working with you on an ongoing assignment to a particular project.

You may communicate directly with seasoned staff members with whom you have a long-term working relationship.

Discuss personnel issues only with the City Manager.

Councilors are encouraged to attend staff occasions, celebrations, and recognition events.

Only the full Council may give direction to employees, and only through the City Manager. As a rule of thumb, this applies to any activity that takes more than one hour of staff time.

Councilors are encouraged to take issues to the City Manager first, giving as much information as possible to ensure a thorough response.

The City Manager shares information equally with all Councilors.

Staff should understand that different Council members prefer to communicate in different modes – telephone, email, in person.

Staff Reports

Staff's role is to gather facts, present objective analysis, and make recommendations based on their best professional judgment.

Written reports should be succinct and prepared in a style agreed to by the Council.

Presentations in public settings should be brief, in plain language, and supported with appropriate visuals.

Councilors are encouraged to pose questions and concerns to staff members in advance of public meetings. This allows staff to respond thoroughly and accurately. It is especially important not to surprise staff in public.

If substantive information is provided to one Councilor, staff will provide the same information to all.

Council decisions may take into consideration many other factors in addition to the staff recommendation.

Regular and honest feedback helps everyone to work together more effectively.

Tips for Effective Councilors

Respect the different styles of fellow Councilors.

Be open to changing your mind based on new information.

Take personal responsibility for encouraging respectful behavior among your fellow Councilors.

Strive for consensus, but don't settle for the lowest common denominator.

If you have a concern with another member, speak directly to that person.

Be open with sharing information. Give unto others information you would want them to give unto you.

Spend some casual time together. Invite fellow Councilors to get together informally, particularly those of opposing views.

Pick your spots. Try hard to win on matters important to you, and let others win on matters important to them and not so important to you.

Recognize that you are seen as a Councilor at all times, no matter how you may see yourself.

Whenever you put anything in writing, assume that everyone in the city is looking over your shoulder.

Be welcoming to speakers and treat them with respect. Remember that for many citizens, speaking in front of the Council is an unfamiliar and difficult experience.

Learn the various businesses of the City. Schedule visits, walk-throughs, and ride-alongs to better understand the day-to-day picture as a basis for making policy decisions.

Everyone does not have to weigh in on every question. Sometimes it's OK to just vote.

When a discussion grinds, you might suggest taking a break.

Praise people in public, criticize in private.

CITY COUNCIL



Orientation Manual

Section Five

City Councilor Roles & Responsibilities

CITY COUNCILOR
Roles and Responsibilities

CITY COUNCILOR ROLES, RESPONSIBILITIES, AND ACTIVITIES

A. Regulatory Authority---The City Council is the ultimate authority in City affairs, excluding any litigation or legislation decisions from higher authorities. The City Council is the contract review board for the City. The City Council is also the final local appeal in City land use actions.

1. Regulatory Actions and Activities

- a. Hold public hearings
- b. Develop and implement other public involvement processes to aid in considerations of proposed ordinances, policies, and procedures
- c. Pass ordinances, approve policies and procedures
- d. Convene as quasi-judicial body to hear land use appeals and render decisions

B. Financial Authority

1. Fiduciary Actions and Activities

- a. Approve contracts for city work (Contract Review Board)
- b. Levy Taxes
- c. Assess fees and other charges for service
- d. Sell bonds
- e. Consider and approve annual or bi-annual budget
- f. Monitor budget throughout the year
- g. Ensure rationally and legality between where money comes from and where money is spent
- h. Ensure cost effectiveness and efficiency in local government service costs, where feasible

C. Employer Authority

1. Employer Actions and Activities

- a. Hire, evaluate, and terminate, if necessary, the City Manager
- b. Appoint the Municipal Court Judge
- c. Provide resources to accomplish the work of the city and the goals and direction set by the Council
- d. Ensure a competitive and responsible wage and benefit program to aid retention and recruitment, where financially feasible
- e. Provide means that City can provide a safe workplace for all its employees
- f. Appoints and evaluates performance of Municipal Court Judge and discusses desired direction for Court---Judge is final authority on Court proceedings.

D. Representative Authority

1. Representative Actions and Activities

- a. Be the eyes, ears, and voice for the community
- b. Represent all citizens
- c. Understand community issues and assist the community in understanding the issues
- d. Communicate city issues and position of the Council and City on those issues
- e. Communicate city issues and concerns to other governmental agencies

- f. Provide transparency in all city deliberations where feasible and practical
- g. Make all decisions in public
- h. Adhere to all local, state, and federal laws in the execution of the office of City Councilor
- i. Be an effective member and representative of the entire Council
- j. Make decisions in the best interest of the City versus just what is popular
- k. Appoints citizens to advisory committees and receives their recommendations for deliberation and possible action

E. Visioning and Planning Responsibility

1. Visioning and Planning Actions and Activities

- a. Set direction for community and organization
- b. Determines mission and vision for community
- c. Communicate, and gain support for City's mission, vision, projects, programs, services, and actions
- d. Decide on implementation plan to accomplish mission and vision
- e. Determine branding for community

F. Other Points

1. Ethics

- a. Actual conflict of interest
- b. Perceived conflict of interest

2. Meetings

- a. City Council---2nd and 4th Wednesday---7:00 p.m.
- b. City Council Work Session---Held before regular meetings as needed---6:30 p.m.
- c. Special Session of City Council: Convened as needed; time and date set when needed
- d. Council Retreat---Annually---May hold retreat to discuss specific issue or issues at other times of year as needed
- e. Executive Session (*examples below*)
 - i. Personnel Matters
 - ii. Labor Negotiations
 - iii. City Manager Evaluations
 - iv. Litigations
 - v. Real Estate Acquisition or Sale

3. Responsibilities of City Manager

- a. Hires, directs, and terminates all City Employees including Department Heads
- b. Oversees day-to-day operations and activities of City of Molalla
- c. Ensures Council direction, goals, and policies are carried out
- d. Develops policy issues and actions for Council consideration and action
- e. Advises Council on policy issues and business operations of City organization
- f. Communicates and explains action and activities of the City
- g. Performs as organizational spokesperson when necessary
- h. Acts as City liaisons to citizens and citizen groups
- i. Acts as Economic Development / Urban Renewal Director for City of Molalla
- j. Acts as Emergency Management Director in emergencies

- k. Is Budget Director for City---Prepares and delivers budget to Budget Committee and City Council for their consideration, recommendations, modifications, and approval.

CITY MANAGER AND EXECUTIVE MANAGEMENT TEAM EXPECTATIONS

The executive management team (City Manager, Department Directors, and City Recorder) has the following expectations:

Staff will adhere to legal, ethical City procedural and moral laws, regulations, and guidelines.

The Mayor and City Councilors will not attempt to influence or direct staff to make certain recommendations.

Personnel issues must be the sole discretion of the City Manager, or his/her designee, elected officials will not be involved, to include briefings and/or “lending a sympathetic ear” to the employee or department director, unless requested to do so by the City Manager.

Performance problems or concerns with members of the executive management team will be addressed through the City Manager. Performance problems or concerns with other employees will be brought to the attention of the appropriate department director. Concerns are not to be made in public, but rather individually.

Provide questions related to agenda items to City Manager in advance of a City Council meeting. This provides staff with sufficient opportunity to conduct any necessary research as required.

Be cautious in “overacting” to a few citizens complaining/requesting action from the City on various issues. This is not to say that we should not be responsive but should prioritize the issues accordingly.

Ensure that the intended direction at a City Council meeting is made through a motion that is clear. Staff may be unclear about a specific direction when there is tacit “approval through silence.”

During work sessions and regular City Council meetings, allow staff to complete their presentation before getting into details.

INFORMAL RULES

Following are informal rules/guidelines which are currently in practice within the City:

Petitions Before City Council and Boards and Councils – The City Council will not entertain, nor will staff process, proposals or requests from any person, group, or business that is shown to be substantially in non-compliance with prior commitments made to the City of Molalla.

Time Limitations for the Re-Hearing of Petitions or Requests – Once the City Council or planning Council has heard a request on the part of any person, group, or business and a decision rendered, the applicant shall be prohibited from bringing substantially the same request before the governing board or authority for a period of one year.

Guidelines for City Councilors' Request for Information – Mayor/Councilors may make requests for information from the City Manager. If the request requires research, the City Manager may direct department directors or other staff to conduct the research.

Code Enforcement Policy Direction – City staff will utilize a systematic code enforcement approach in all commercial areas. Code enforcement in residential areas shall be on a complaint basis unless there is found to be an imminent threat to health and safety for which the inspector shall issue a complaint.

Guidelines for Mayor and City Council Interaction with Boards and Councils

The Mayor and/or members of the City Council will not make direct presentation, appeals, testimony, etc. to boards or Councils as part of the formal board/Council process unless directed to do so by the City Council.

OREGON GOVERNMENT ETHICS COUNCIL

ORS Chapter 244 requires certain city officials and elected officials to file a Statement of Economic Interest (SEI) with the Oregon Government Ethics Council (OGEC) by April 15 of each year. These officials include members of the City Council, Planning Council, and Historic Review Board; City Manager; and Municipal Judge.

Public officials who fail to file their SEI could be liable for a civil penalty of up to \$1,000 and/or suspension from performing their official duties.

OGEC will distribute the SEI to officials in March for completion and submission by April 15. In addition, the city recorder will send the necessary forms to all elected officials and other city officials required to file the SEI.

For further information, please visit the state's Web site at <http://www.ogec.state.or.us>.

CITY COUNCIL



CITY COUNCIL

Orientation Manual

Section Six

City Council Meetings

CITY OF MOLALLA

City Council Meetings

MEETINGS OF THE CITY COUNCIL

City Council meetings are a vital part of the democratic process in the conduct of the City's affairs. It is at City Council meetings that laws, policies, and basic decisions are made for the City of Molalla. All meetings of the City Council are open to the public unless noted otherwise.

REGULAR CITY COUNCIL MEETINGS

Regular City Council meetings are held at 7:00 p.m. on the second and fourth Wednesdays of each month at the Molalla Adult Center, 315 Kennel Avenue, Molalla, Oregon.

SPECIAL CITY COUNCIL MEETINGS

The Mayor or Council President, in the absence of the Mayor, or a majority of the Council, may call a special meeting of the City Council.

WORK SESSION

Work Sessions are typically held just prior to the regular meetings. No formal votes may be taken on work session items, although Councilors may be polled on any matter under discussion at a work session.

RETREAT

The City Council holds an annual retreat or goal-setting meeting each year. The main purpose is to discuss the City's goals for the upcoming year, receive training, and hear reports from the various department directors.

EXECUTIVE SESSION

Executive sessions are governed by ORS 192.660 and are closed to the public, except that representatives of the news media shall be allowed to attend most sessions. The City Council and staff in attendance shall not disclose to any person the content of any discussion that takes place in an executive session. Executive sessions are typically held prior to or at the end of a regular or special meeting. No executive session may be held for the purpose of taking a final action or making a final decision, although the Council may reach a consensus in executive session. Formal voting must be taken in open session to allow the public to know the result of the discussion that took place in executive session.

Executive sessions may be held to discuss the following topics:

- Employment and personnel matters.
- Dismissal or discipline matters.
- Matters pertaining to the function of the medical staff of a licensed, public hospital.
- Deliberations regarding labor negotiations.
- Deliberations regarding negotiations of real property transactions.
- To consider information or records that are exempt by law from public inspection.
- To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

- To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- By a health professional regulatory board to consider information obtained as part of an investigation of licensee or applicant conduct.
- By the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
- To discuss information about review or approval of programs relating to security.

Mayor's Presiding Role

The Mayor shall preside over the City Council's deliberations. The Mayor shall have a vote on all questions before it; shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council.

2019 City Council Meetings

January 09
January 23
February 13
February 27
February 9 Vision Retreat
March 13
March 27
April 10
April 24
May – Budget Committee
May 8
May 22
June 12
June 26
July 10
July 24
August 14
August 28
September 11
September 25
October 09
October 23
November 13
November 27
December 11
December 25 - Cancelled

OPEN MEETINGS

The Open Public Meetings Law requires that all meetings of the “governing body of a public body” must be open and public. A meeting generally includes any situation in which a majority of the City Council meets and discusses the business of that body. Purely social gatherings are expressly exempted, unless the body’s business is discussed.

Any meeting at which at least three members of the City Council are present, and the purpose is to discuss City matters is considered an open meeting and is public. The meeting notice must be posted 24 hours prior to the meeting.

ORS 192.610 to 192.690 describes the open meetings law. Among other matters, this law ensures that the meeting of governing bodies at which decisions about the public’s business are made or discussed are open to the public; that the public has received notice of the time and place of meetings; and that the meetings are accessible to persons wishing to attend.

(Excerpts from the 2013 Oregon Revised Statutes regarding public meetings are printed at the end of this chapter.)

OPEN RECORDS

Under ORS 192.420, every person has a right to inspect any nonexempt public record of a public body. The law requires the custodian of public records (commonly the City Recorder) to provide “proper and reasonable opportunities for inspection and examination of the public records during usual business hours.”

The law expressly authorizes a public body to establish fees “reasonably calculated to reimburse the public body for the public body’s actual cost of making public records available...” These costs may include summarizing, compiling or tailoring the public records to meet the person’s request.

Though the law favors public access to government records, a public body may deny a records inspection request if it can prove that the record is exempt from disclosure. ORS 192.501 contains a list of “conditionally exempted” records.

(Excerpts from the 2013 Oregon Revised Statutes regarding open records are printed at the end of this chapter.)

CONFLICT OF INTEREST

ORS 244.020 defines “Actual Conflict of Interest” as follows:

“Actual conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.

At any time, the Mayor or City Councilor believes a potential for conflict of interest exists, he or she is encouraged to consult with the city attorney for advice.

AGENDA

The City Council agenda is the official order of business at City Council meetings. The agenda reflects the City Council's duties and responsibilities and the items include consideration and/or approval of programs, expenditures, payments, contracts, agreements, land use and zoning changes, ordinances, resolutions, appointments, and approving or amending the operating and capital improvement project budgets.

The City Manager reviews the tentative agendas for upcoming meetings with the department directors at weekly staff meetings and adjustments and revisions are made. Each agenda item typically includes a staff report with a background report, staff recommendations, budget impacts, and other pertinent information necessary to make a decision. There are times when reports are made orally at the City Council meetings, and there will be no supporting materials in the packet. The City Manager is responsible for approving the staff recommendation on each agenda item.

AGENDA PACKET

The City Recorder is responsible for compiling the agenda and supporting materials for the City Council meetings for the Mayor, Councilors, and staff. The City Council receives an electronic version of the packet via e-mail approximately five days before the scheduled meetings. The packet is available for the public on the City's website at www.cityofmolalla.com/meetings

If the Mayor or a Councilor feels that something is missing from the packet or they have a question not covered in the background material, it is suggested they contact the City Manager prior to the meeting. This will enable staff to deliver material to the City Council during the day or have available by the evening of the meeting.

If a member of the Council will be absent from the scheduled meeting, the City Recorder's office should be notified to assist in the preparation of the evening meeting.

POSTINGS

Agendas for all City Council meetings are posted on the notice board in the lobby of City Hall, at the Molalla Library, and on the City's Web site. The agendas are also sent electronically to other interested citizens.

CITY COUNCIL RULES OF PROCEDURE

ORDINANCE NO. 2007-05

WHEREAS, city Councils are composed of individuals with a wide variety of backgrounds, personalities, value opinions and goals; and recognizing this diversity, Molalla City Council members have chosen to serve in public office in order to advance the goal of preserving Molalla's quality of life. In all cases, this common goal should be acknowledged even as Council members may "agree to disagree" on contentious issues, and

WHEREAS, governance of a City relies on the cooperative efforts of elected officials, who set policy; City staff, who implement and administer Council policies; and public volunteers. Therefore, every effort should be made to be cooperative and respect the contributions made by each individual to the community, and

WHEREAS, Council members have a public stage to demonstrate effective problem-solving, and the Council can show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole, and

WHEREAS, at all times, while in session or otherwise, Councilors should conduct themselves in a manner appropriate to the dignity of their office, and

WHEREAS, City Charter Section 12 provides that the Council shall by ordinance prescribe rules to govern the meetings and proceedings, and

WHEREAS it is the intent the Council to have clear and simple procedures for considering agenda matters and for the conduct of City business,

NOW, THEREFORE, THE CITY OF MOLALLA ORDAINS AS FOLLOWS:

Section 1. The Molalla Municipal Code is amended by adding a new Chapter 1.02 to read as follows:

COUNCIL RULES

- 1.02.010 Council Rules
- 1.02.020 Definitions
- 1.02.030 Robert's Rules Adopted
- 1.02.040 The Presiding Officer
- 1.02.050 Parliamentarian
- 1.02.060 Council Meetings
- 1.02.070 Agenda
- 1.02.080 Order and Decorum
- 1.02.090 Public Comment
- 1.02.100 Motions
- 1.02.110 Council Member Conduct
- 1.02.120 Confidentiality
- 1.02.130 Communications
- 1.02.140 Minutes
- 1.02.150 Adjournment
- 1.02.160 Bias and Disqualification
- 1.02.170 Ex Parte Contacts and Disqualification

- 1.02.180 Oregon Ethics Commission Requirements and Reporting
- 1.02.190 Legal Advice
- 1.02.200 Manager Evaluation
- 1.02.210 Council Expenses
- 1.02.220 Boards and Commissions
- 1.02.230 News Media
- 1.02.240 Authorization of Expenditures

1.02.010 Council Rules

The Council shall review its rules at least once every four years. Amendments shall be adopted by a majority vote. The Council has an obligation to be clear and simple in its procedures and consideration of the questions coming before it. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies, or provisions of the City Charter.

1.02.020 Definitions

1. City Committees: All city committees, commissioners, task forces, and advisory bodies.
2. Council and Council members: The Mayor, the Council President, and the Councilors.
3. Councilors: The Council President and the Councilors.
4. Mayor: The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

1.02.030 Roberts Rules Adopted

Unless otherwise provided by federal or state law or administrative rule or modified by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order. The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of the questions coming before it. Therefore, Councilors should avoid invoking the finer points of parliamentary procedure when such points serve only to obscure the issues before the Council as a whole, or to confuse the audience at public meetings and the citizens in general.

1.02.040 The Presiding Officer

1. The Mayor. The Mayor shall preside at all meetings of the 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 the Mayor's position as Presiding Officer.
2. Council President. At the first meeting of each odd-numbered year, the Council shall elect a president from its membership. In the event of the Mayor's absence from any Council meeting, the Council President shall act as the Presiding Officer. Whenever the Mayor is unable, on account of absence, illness or other cause, to perform the functions of the office, the Council President shall act as Mayor Pro Tern.
3. Temporary Chairman. In event of the absence of the Mayor and Council President, the City Attorney shall call the Council to order and call the roll of the members. If a quorum is present, those Councilors present shall elect, by majority vote, a Temporary Chairman for that meeting. Should the Mayor or Council President arrive, the Temporary Chairman shall relinquish the chair immediately upon the conclusion of the item of business then in consideration before the Council.
4. Privileges Not Affected by Status. The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council member by reason of acting as the Presiding Officer.

1.02.050 Parliamentarian

The City Attorney, or in the City Attorney's absence, the City Manager, shall be the Parliamentarian, and shall advise the Presiding Officer on any questions of order.

1.02.060 Council Meetings

1. Regular Meetings to conduct Council business will be held on the 2nd and 4th Wednesdays of each month unless canceled by the Mayor for good cause.
2. Work Sessions to review meeting agenda items will be held prior to each meeting. Work sessions and agendas will be developed by the City Administrator/Manager in consultation with the City Council, or by motion with Council approval or by concurrence of the Council.
3. Special meetings or work sessions may be called by the Mayor or Council President in the absence of the Mayor or by a majority of the Council. Final decisions shall not be taken at work sessions.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes of regular and special Council meetings will be taken as provided by the Oregon Public Records law.
6. Telephone/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings law.
7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings. Councilors will inform the Mayor and the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the Council President and the City Manager regarding any absence by the Mayor.

1.02.070 Agenda

1. Order. The order of business for Council meetings is generally as follows:
 - CALL TO ORDER
 - FLAG SALUTE
 - ROLL CALL
 - CONSENT AGENDA/APPROVAL OF MINUTES
 - COMMUNICATIONS-WRITTEN & VERBAL
 - AWARDS & RECOGNITIONS
 - PUBLIC HEARING
 - CONTINUING BUSINESS
 - NEW BUSINESS
 - ORDINANCES & RESOLUTIONS
 - PROCLAMATIONS
 - REPORTS & ANNOUNCEMENTS
 - EXECUTIVE SESSION
- G. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.
- H. Council members will not disguise statements as questions or use repetitions as a way to convince others.
- I. Council members will keep discussions moving and call for a "process check" if the Council becomes bogged down in discussions.
- J. Council members may by motion set time limits on discussions.
- K. Council members will not publicly criticize or attack each other, city staff or other

- persons. Councilors will not personally attack each other, city staff or other persons.
- L. If a Council member wishes to discuss a major policy issue that is not on the agenda, it should be raised during Reports and Announcements or New Business for consideration at a future work session or meeting, not during the current meeting.
 - M. City staff and others attending Council meetings shall observe the same rules of procedure, decorum and conduct as Council members.
 - N. While addressing or attending a Council meeting, any person who makes derogatory or slanderous remarks or engages in boisterous behavior shall be removed if directed by the presiding officer. In the event the presiding officer fails to act, this rule may be enforced by motion approved by a majority vote. A Sergeant-at-Arms may be appointed by the presiding officer to preserve decorum.
 - O. Council members should obtain the appropriate permission before representing another Council member's view or position to the media.

1.02.090 Public Comment

- 1. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
- 2. During public meetings, all public comments should be directed to the question under discussion and addressed to the Mayor representing the Council as a whole.
- 3. In general, Council members will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff and reviewed before placing on a future agenda.

1.02.100 Motions

- 1. Council member motions will be clearly and concisely stated. The minute taker will take down the name of the Councilor who made the motion and the Councilor who made the second.
- 2. The motion maker, Mayor, or City Administrator/Manager should repeat the motion prior to voting.
- 3. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second.
- 4. Discussion of a motion is open to all Council members who wish to address the motion. A Council member may speak more than once on each motion unless a motion to call the previous question is adopted. A Councilor must be recognized by the Mayor before speaking.
- 5. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflicts of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion.
- 6. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes must do so briefly and succinctly.
- 7. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.
- 8. Tie. A motion that receives a tie vote fails.
- 9. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by a motion approved by a majority vote.

10. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
11. Call for Question. A motion to "call for the question" or to "move the previous question" ends debate on the item and is not debatable. This motion is out of order unless each Council member wishing to speak on the item has had at least one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds vote. Debate may continue if the motion fails. Two-thirds shall be defined as follows:
 - A. If four members of the Council are present, three affirmative votes are required.
 - B. If five members of the Council are present, three affirmative votes are required.
 - C. If six members of the Council are present, four affirmative votes are required.
 - D. If seven members of the Council are present, five affirmative votes are required.
12. Amendment. A motion to amend may be made to a previous motion that has been seconded, but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.
13. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

1.02.110 Council Member Conduct

1. Representing City. In all statements relating to public issues or policies, a Councilor shall take care to state whether his or her comments are personal opinions or represent the official position of the City.
2. Censure.
 - A. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand, by motion approved by the Council.
 - B. The Council may investigate the actions of any Council members and meet in executive session to discuss any funding that reasonable grounds exist that a substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

1.02.120 Confidentiality

1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Administrator/Manager or City Attorney.
2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussions with any other party or its representatives nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.

4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules.

1.02.130 Communications

1. Council will respect the separation between policy making (Council function) and administration (City Administrator/Manager function) by:
 - A. Working with the staff as a team with a spirit of mutual respect and support.
 - B. Not attempting to influence a city employee or the City Administrator/Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of city license and permits. However, the sharing of ideas on these matters is appropriate.
 - C. Except during work sessions, limiting individual contacts with city staff to the City Administrator/ Manager or the Assistant City Manager so as not to influence staff decisions or recommendations, to interfere with their work performance, to undermine the City Administrator/Manager authority or to prevent the full Council from having benefit of any information received.
3. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information.
4. The Mayor will refer any comments or questions regarding city personnel or administration to the City Administrator/Manager. The Mayor may redirect other questions to a Council member or the City Administrator/Manager, as appropriate. Council members may also address questions directly to the City Administrator/Manager, who may either answer the inquiry or ask a staff member to do so.
5. In keeping with Oregon's Open Meetings law, members of the Council shall not use telephonic or electronic communications with each other, serially or in conference, as a means of developing policy or working toward consensus on issues, unless such deliberations are properly noticed.
6. Members of the Council shall take care to retain official correspondence and e-mails in accordance with Oregon's Public Records law.

1.02.140 Minutes

1. Minutes will be prepared with enough detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:
 - A. The name of Council members and staff present;
 - B. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
 - C. The result of all votes, including ayes and nays and the names of the Council members who voted.
 - D. The substance of the discussion on any matter.
 - E. Reference to any document discussed at the meeting.
2. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, the Council member should read and submit any changes, additions or corrections to the City Administrator/Manager during or prior to the work session immediately preceding a Council meeting.
3. The City Recorder or designee will make an audio recording of all meetings. The City Recorder will maintain custody of all recordings, but a Council member may obtain a copy of any recording. A Council member may obtain a meeting transcript or partial

transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval. The City Recorder is authorized to produce transcripts as required by law.

1.02.150 Adjournment

1. Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.
2. Upon the request of two or more Council members a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:
 - A. When made as an interruption of a member while speaking; or
 - B. While a vote is being taken.

1.02.160 Bias and Disqualification

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.
2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.
3. If the Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

1.02.170 Ex Parte Contacts and Disqualification

1. For quasi-judicial hearings, Council members should refrain from ex parte contacts relating to any issue of the hearing. Ex parte contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. Ex parte contacts may be either oral statements when other interested parties are not present or written information that other interested parties do not receive.
2. If a Council member has ex parte contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council members also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether the member will participate or abstain.
3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

1.02.180 Oregon Ethics Commission Requirements and Reporting

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with ORS 244.195, it is each Council member's responsibility to file statements of economic interest with the Government Standards and Practices Commission.

1.02.190 Legal Advice

1. Requests to the City Attorney for legal advice may not be made by a Council member without the concurrence of a majority of the Council or the Mayor.
2. Before requesting research or other action by the City Attorney, Council members are encouraged to consult with the City Administrator/Manager to determine if the request or action can be accomplished more cost-effectively.
3. Outside a Council meeting, a Council member should direct requests of the City Attorney through the City Administrator/Manager or the Mayor.
4. Exceptions to this are issues related to the performance of the City Administrator/Manager and unique/sensitive personal, yet City business-related, requests. These requests must be made through the mayor.

1.02.200 Manager Evaluation

1. Criteria. The standards, criteria, and policy directives used in the evaluation of the Administrator/Manager will be adopted at a regular Council meeting in accordance with state law.
2. Process.
 - A. Council members will make written comments in response to the evaluation.
 - B. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.
 - C. At evaluation sessions, Council summary comments and individual Council member comments will be made. The Administrator/Manager will have an opportunity to respond to all comments. The effect of the evaluation on the

- Administrator/Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the Administrator/Manager.
- D. Council members will then complete their individual evaluations and convene to discuss overall evaluation of the Administrator/Manager and reach a consensus.
 - E. Council will then reconvene with the Administrator/Manager to review final performance evaluation and discuss compensation.
3. Contract. The City Attorney will prepare any employment contract amendments to the Administrator/Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting.

1.02.210 Council Expenses

Reimbursement. The Council shall receive a monthly reimbursement for expenses, the amount to be set appropriately by the Mayor and Council.

1.02.220 Boards and Commissions

1. The Mayor shall appoint members of Boards, Committees and Commissions.
2. Each board, commission and committee will annually report to the Council on their activities for the previous year at a regular City Council meeting. The report will be prepared in a format prescribed by the Council.

1.02.230 News Media

1. The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Workspace shall be reserved for members of the news media at Council meetings in order that proceedings may be observed and heard clearly. See also Executive Sessions.
2. A member of the news media is someone who:
 - Represents an established channel of communication, such as a newspaper or magazine, radio or television station, and either:
 - Regularly reports on the activities of government or the governing body, or
 - Regularly reports on the particular topic to be discussed by the governing body.

1.02.240 Authorization of Expenditures

1. Subject to Sections 21. D. and 22. C. 3. of the City Charter, the Finance Director, Planning Director, Public Works Director, or Chief of Police shall not spend or commit more than \$1,000 of budgeted funds without approval of the City Manager.
2. Subject to Sections 21. D. and 22. C. 3. of the City Charter, the City Manager shall not spend or commit more than \$10,000 of budgeted funds without approval of the City Council.

This ordinance was adopted by the Molalla City Council and approved by the Mayor on October 10, 2007.

OPEN MEETINGS LAW -- EXCERPTS FROM OREGON REVISED STATUTES

PUBLIC MEETINGS

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for individuals with disability; interpreters.

(1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominant use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, “good faith effort” includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52; 2007 c.100 §21; 2009 c.595 §173]

192.640 Public notice required; special notice for executive sessions, special or emergency meetings.

(1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours’ notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours’ notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees.

(1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits.

(1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

(a) To consider the employment of a public officer, employee, staff member or individual agent.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

(c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(f) To consider information or records that are exempt by law from public inspection.

(g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

(k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.

(L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.

(m) To discuss information about review or approval of programs relating to the security of any of the following:

(A) A nuclear-powered thermal power plant or nuclear installation.

(B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.

(C) Generation, storage or conveyance of:

(i) Electricity;

- (ii) Gas in liquefied or gaseous form;
- (iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
- (iv) Petroleum products;
- (v) Sewage; or
- (vi) Water.
- (D) Telecommunication systems, including cellular, wireless or radio systems.
- (E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

- (a) The filling of a vacancy in an elective office.
- (b) The filling of a vacancy on any public committee, Council or other advisory group.
- (c) The consideration of general employment policies.
- (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
 - (A) The public body has advertised the vacancy;
 - (B) The public body has adopted regular hiring procedures;
 - (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
 - (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

- (a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.
- (b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664

§2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32]

192.670 Meetings by means of telephonic or electronic communication.

(1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs. A place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1; 2011 c.272 §2]

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members.

(1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.

(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660.

(1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Council for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The Council may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Council for its investigation but shall be excluded from public disclosure.

(3) If the Council chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690.

(1) ORS 192.610 to 192.690 do not apply to the deliberations of the Oregon Health Authority conducted under ORS 161.315 to 161.351, the Psychiatric Security Review Board, the State Board of Parole and Post-Prison Supervision, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23; 2007 c.796 §8; 2009 c.697 §11; 2011 c.708 §26]

**OPEN RECORDS LAW - EXCERPTS FROM OREGON REVISED STATUTES
INSPECTION OF PUBLIC RECORDS**

192.420 Right to inspect public records; notice to public body attorney.

(1) Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505.

(2)(a) If a person who is a party to a civil judicial proceeding to which a public body is a party, or who has filed a notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the person must submit the request in writing to the custodian and, at the same time, to the attorney for the public body.

(b) For purposes of this subsection:

(A) The attorney for a state agency is the Attorney General in Salem.

(B) "Person" includes a representative or agent of the person. [1973 c.794 §3; 1999 c.574 §1; 2003 c.403 §1]

192.430 Functions of custodian of public records; rules.

(1) The custodian of any public records, including public records maintained in machine readable or electronic form, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in the office of the custodian and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. If the public record is maintained in machine readable or electronic form, the custodian shall furnish proper and reasonable opportunity to assure access.

(2) The custodian of the records may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian. [1973 c.794 §4; 1989 c.546 §1]

192.440 Certified copies of public records; fees; waiver or reduction.

(1) The custodian of any public record that a person has a right to inspect shall give the person, upon request:

- (a) A copy of the public record if the public record is of a nature permitting copying; or
- (b) A reasonable opportunity to inspect or copy the public record.

(2) If a person makes a written request to inspect a public record or to receive a copy of a public record, the public body receiving the request shall respond as soon as practicable and without unreasonable delay. The public body may request additional information or clarification from the requester for the purpose of expediting the public body's response to the request. The response of the public body must acknowledge receipt of the request and must include one of the following:

(a) A statement that the public body does not possess, or is not the custodian of, the public record.

(b) Copies of all requested public records for which the public body does not claim an exemption from disclosure under ORS 192.410 to 192.505.

(c) A statement that the public body is the custodian of at least some of the requested public records, an estimate of the time the public body requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay under subsection (4) of this section as a condition of receiving the public records.

(d) A statement that the public body is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public body within a reasonable time.

(e) A statement that the public body is uncertain whether the public body possesses the public record and that the public body will search for the record and make an appropriate response as soon as practicable.

(f) A statement that state or federal law prohibits the public body from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the public body.

(3) If the public record is maintained in a machine readable or electronic form, the custodian shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the custodian shall make the public record available in the form in which the custodian maintains the public record.

(4)(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the person's request.

(b) The public body may include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. The public body may not include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in determining the application of the provisions of ORS 192.410 to 192.505.

(c) The public body may not establish a fee greater than \$25 under this section unless the public body first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms that the requestor wants the public body to proceed with making the public record available.

(d) Notwithstanding paragraphs (a) to (c) of this subsection, when the public records are those filed with the Secretary of State under ORS chapter 79 or ORS 80.100 to 80.130, the fees for furnishing copies, summaries or compilations of the public records are those established by the Secretary of State by rule, under ORS chapter 79 or ORS 80.100 to 80.130.

(5) The custodian of any public record may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

(6) A person who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505. The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as it has when inspection of a public record is denied.

(7) A public body shall make available to the public a written procedure for making public record requests that includes:

(a) The name of one or more persons to whom public record requests may be sent, with addresses; and

(b) The amounts of and the manner of calculating fees that the public body charges for responding to requests for public records.

(8) This section does not apply to signatures of individuals submitted under ORS chapter 247 for purposes of registering to vote as provided in ORS 247.973. [1973 c.794 §5; 1979 c.548 §4; 1989 c.111 §12; 1989 c.377 §2; 1989 c.546 §2; 1999 c.824 §5; 2001 c.445 §168; 2005 c.272 §1; 2007 c.467 §1]

192.445 Nondisclosure on request of home address, home telephone number and electronic mail address; rules of procedure; duration of effect of request; liability; when not applicable.

(1) An individual may submit a written request to a public body not to disclose a specified public record indicating the home address, personal telephone number or electronic mail address of the individual. A public body may not disclose the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address, personal telephone number or electronic mail address remains available for public inspection.

(2) The Attorney General shall adopt rules describing:

(a) The procedures for submitting the written request described in subsection (1) of this section.

(b) The evidence an individual shall provide to the public body to establish that disclosure of the home address, telephone number or electronic mail address of the individual would constitute a danger to personal safety. The evidence may include but is not limited to evidence that the individual or a family member residing with the individual has:

(A) Been a victim of domestic violence;

(B) Obtained an order issued under ORS 133.055;

(C) Contacted a law enforcement officer involving domestic violence or other physical abuse;

(D) Obtained a temporary restraining order or other no contact order to protect the individual from future physical abuse; or

(E) Filed other criminal or civil legal proceedings regarding physical protection.

(c) The procedures for submitting the written notification from the individual that disclosure of the home address, personal telephone number or electronic mail address of the individual no longer constitutes a danger to personal safety.

(3) A request described in subsection (1) of this section remains effective:

(a) Until the public body receives a written request for termination but no later than five years after the date that a public body receives the request; or

(b) In the case of a voter registration record, until the individual must update the individual's voter registration, at which time the individual may apply for another exemption from disclosure.

(4) A public body may disclose a home address, personal telephone number or electronic mail address of an individual exempt from disclosure under subsection (1) of this section upon court order, on request from any law enforcement agency or with the consent of the individual.

(5) A public body may not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address, personal telephone number or electronic mail address granted an exemption from disclosure under this section.

(6) This section does not apply to county property and lien records. [1993 c.787 §5; 1995 c.742 §12; 2003 c.807 §1]

192.447 Nondisclosure of public employee identification badge or card.

(1) As used in this section, “public body” has the meaning given that term in ORS 174.109.

(2) A public body may not disclose the identification badge or card of an employee of the public body without the written consent of the employee if:

(a) The badge or card contains the photograph of the employee; and

(b) The badge or card was prepared solely for internal use by the public body to identify employees of the public body.

(3) The public body may not disclose a duplicate of the photograph used on the badge or card. [2003 c.282 §1]

Note: 192.447 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 192 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

192.495 Inspection of records more than 25 years old. Notwithstanding ORS 192.501 to 192.505 and except as otherwise provided in ORS 192.496, public records that are more than 25 years old shall be available for inspection. [1979 c.301 §2]

CITY COUNCIL



CITY COUNCIL

Orientation Manual

Section Seven

Council Policies

COUNCIL POLICY 2009-01
Adopted April 8, 2009

City of Molalla

COMPENSATION FOR CITY STAFF

The City of Molalla desires to remain competitive with comparable cities in the Willamette Valley in recruiting and retaining qualified professional staff. It is therefore a policy goal of the City of Molalla that the total compensation (wages + benefits) of city employees be adjusted to equal the average staff compensation provided by comparable cities for comparable work and qualifications, to be implemented as resources permit over the next five to seven years.

This policy adopted April 8, 2009.

COUNCIL POLICY 2009-02
Adopted May 27, 2009

City of Molalla

FEE IN LIEU OF PARKS

Consistent with Resolution 2005-04 adopted by the Molalla City Council on Feb. 9, 2005, it is the policy of the City of Molalla that:

1. A fee that is imposed in lieu of park dedication, if less than \$5,000, shall be paid prior to the issuance of a building permit.
2. A. A fee that is imposed in lieu of park dedication, if equal to or greater than \$5,000, shall be paid prior to the issuance of a certificate of occupancy; or
B. Subject to approval of the City Council, park improvements equal to 1½ times the amount of the fee, may be agreed to in writing in place of the fee, provided that:
 - a.) The value of the improvements, including materials and labor, is approved by the City Engineer;
 - b.) The improvements are completed and accepted by the City by a date certain;
 - c.) Completion of improvements is bonded or otherwise insured in the event of nonperformance by the responsible party; and
 - d.) The improvements are carried out in conformance with applicable state and local requirements.
3. The City may impose the fee or accept the improvements described in this policy pursuant to an approved land use permit or land use decision.
4. If the City, in its sole discretion, decides to accept improvements in lieu of the fee described in this policy, the City shall require the property owner or developer to enter into a development agreement with the City for the purpose of describing the terms and conditions under which the owner or developer will construct and dedicate the improvements.

This policy adopted May 27, 2009.

City of Molalla

EMPLOYMENT POLICY

RECRUITMENT AND SELECTION

I. PURPOSE

To provide a competitive system of filling positions for the city with the individuals whose skills, abilities and qualifications best match those of the open position.

II. SCOPE

This policy applies to recruiting and selecting employees for regular full-time and regular part-time positions except those listed in the City Charter, as it may be amended from time to time (i.e. elected positions, City manager, Municipal Judge).

III. POLICY

When a personnel vacancy occurs, the appropriate department director, in collaboration with the city manager and city recorder, will carry out a recruitment and selection process designed to identify the most qualified individual for the position by carefully considering current employees as well as new applicants. All recruitment and selection practices and procedures shall be conducted in compliance with all applicable state and federal laws governing equal employment opportunity. Veteran preference shall be provided according to Oregon law.

The city is committed to using job-related criteria consistent with business necessity in its selection program. The city is also committed to providing reasonable accommodation to individuals with disabilities throughout the selection process and in its employment practices.

IV. DEFINITIONS

A. Job-Related. Each qualification standard, test or other selection criterion must be a legitimate measure or qualification for the specific job it is being used for. It is not enough that it measures qualifications for a general class of jobs.

B. Consistent with Business Necessity. If a test or other selection criterion excludes an individual with a disability *because of* the disability and does not relate to the *essential functions of a job* it is not consistent with business necessity. A standard may be job-related but not justified by business necessity, because it does not concern an essential job function

C. Reasonable Accommodation. Reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually are done that enables a qualified individual with a disability to enjoy an equal employment opportunity. An equal employment opportunity means an opportunity to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to an average similarly situated employee without a disability.

The Americans with Disabilities Act (ADA) requires that even if a qualification standard or selection criterion *is* job-related and consistent with business necessity, it may not be used to exclude an individual with a disability if this individual could satisfy the legitimate standard or selection criterion with a “reasonable accommodation.”

V. PROCEDURE

The following steps govern the recruitment and selection process:

A. Request to Recruit.

When a job vacancy exists or is anticipated, the department director shall make a request to the city manager to initiate the recruitment and selection process. The request shall include a current job description listing the essential job duties and responsibilities, the essential job qualifications, established salary range, and the selection criteria. Upon approval of the city manager the city recorder shall initiate the recruitment and selection process.

B. Job Announcement.

1. A notice announcing recruitment for an open position shall be prepared specifying the title of the job, salary range of the position, summary of the essential job duties, responsibilities and qualifications, and the application procedures. The notice shall be published in a newspaper of general circulation and posted on the city’s web site. At the city’s discretion, additional notices may be circulated to professional organizations and published in professional journals or posted electronically on web sites of relevant professional organizations. The application procedures shall, at a minimum, include the time and location to apply, how to make alternate arrangements if the location is inaccessible; the selection process to be used, i.e., testing, application, assessment centers, interviews, etc., as well as the closing date for accepting applications.

Reasonable accommodations will be made to enable an applicant with a disability to apply for and test for a job. All job announcements shall include this message: “We are an Equal Opportunity Employer. We do not discriminate on the basis of race, color, religion, sex, age, national origin, physical or mental disability, marital familial status, status as a Vietnam-era or special disabled veteran, or membership in any other group protected by law in accordance with applicable federal, state and local laws.”

2. Job announcements will be posted for a minimum of five (5) working days. Posting locations include the personnel department, employee bulletin boards in city facilities. Vacancy announcements may also be sent to newspapers for inclusion in the "help wanted" ads, the State of Oregon Employment Division, and other agencies or organizations where there may exist qualified, interested applicants. The city shall further make job announcements accessible to people with disabilities by providing written information in various formats upon request.

C. Applications. Employment applications shall be available in City Hall and on the city’s web site. Assistance in filling out an application shall be provided upon request. All individuals applying for a position shall complete an application form and any supplemental materials required by the city for certain positions, as specified. Application materials shall be considered confidential and reviewed only by the authorized personnel. The city shall make specific reasonable accommodation for both site accessibility and testing for applicants with disabilities.

The city accepts applications and/or resumes only when a vacancy exists. The city does not stockpile job applications or resumes for possible future consideration. When the city solicits applications for a vacant position, there will be a designated cut-off date beyond which

applications will not be accepted. Unless the city is currently accepting applications for a vacant position, all applications will be returned with a Response to Unsolicited Application form letter.

D. Selection.

1. Selection criteria shall be designed to measure each applicant's qualifications, experience and ability to perform the duties and responsibilities of the open position. When requested, specific reasonable accommodations will be made for individuals with disabilities.
2. Any combination of two or more of the following methods may be used to determine the applicant best suited for the position:
 - a) Information supplied by the applicant, on the application, in resumes, letters of recommendation and through supplemental examinations, if required;
 - b) Written, performance (i.e. typing test) and physical agility test (not a medical exam);
 - c) Individual or group oral interviews;
 - d) Assessment centers;
 - e) Information and evaluation provided by previous and current employers and references;
 - f) Personal background investigation for some positions; and
 - g) Other appropriate job-related screening techniques.

Note: Some positions may require that medical and related information be obtained through a medical entrance exam or other means to evaluate the ability of applicants to perform essential job functions, or to promote health and safety on the job. The city will not request this information until after a conditional job offer has been made, and then only when it is consistent with business necessity. All positions will require applicants to be tested for drug usage as part of the pre-employment process after a conditional job offer has been made.

E. Appointment. The department director makes the appointment to the position after consultation with the city manager. All recruitment and selection records shall be retained by the city recorder for a minimum of three (3) years from the time each applicant has been notified of his/her application status. Appointments may be made subject to the result of a medical entrance exam.

F. Multiple Use of Application and Selection Methods. When it is deemed appropriate by the city manager, selection materials including application, testing and interview results, reference, and other selection information received for one (1) vacancy may be considered for a subsequent recruitment and selection process, as long as the subsequent recruitment and selection process is in the same job classification and provided that no more than one (1) year has passed since the initial process. A list of qualified candidates for purposes of internal recruitment shall remain active for a minimum of one (1) year. All applicants shall be notified of their application status.

G. Temporary Appointments.

1. A temporary appointment may be required to fill a position on an immediate, short-term basis. For example, a temporary appointment may be used to fill an unexpected vacancy, to fill in for a current, regular employee out on an approved leave of absence such as disability leave or family medical leave, or to fill a special project position resulting from the availability of grant money. The department director may fill these vacancies by appointment on a temporary basis after consultation with the city manager without following

the recruitment and selection process for a period not to exceed one (1) year. Approval from the City manager for an extension is required.

2. Vacated regular positions may be filled with temporary appointments. A regular position, which is vacant because an employee is out on approved leave, may be filled by temporary appointment as long as there is a reasonable expectation that the employee will return. A new position funded by grant moneys or other outside source may be filled by temporary appointment for the duration of the funds. If such position becomes a regular full-time position with the city, however, the recruitment and selection process shall be initiated and followed. If a current and qualified applicant pool or list exists for any vacated position, the department director shall first consider making the temporary appointment from this pool or list.

H. Promotions and Transfers. The city encourages promotions and transfers from within city service and seeks to select the best-qualified individual for the position. Promotional appointments shall be made from employees within the city if the department director and city manager determine that there exist qualified and interested employees to compete through an internal selection process.

If only one qualified and interested employee is determined to exist, the employee interested in a promotional appointment may communicate his/her interests and concerns directly to his/her department director and may be considered for promotion. If the employee is selected for promotion, the position vacated by the promoted employee shall be filled using the recruitment and selection process adopted by the city.

Adopted June 9, 2010

COUNCIL POLICY 2011-02
Adopted May 25, 2011

City of Molalla

APPOINTMENTS TO BOARDS AND COMMISSIONS

Notwithstanding provisions of the City Charter relating to appointments to boards and commissions, it is the policy of the City Council that vacancies be filled through a collaborative effort. Councilors, city staff and members of boards and commissions are encouraged to recruit and recommend qualified candidates for appointment. The City shall publicize vacancies via the news media, the city's website, newsletters, announcements and other appropriate means.

This policy adopted May 25, 2011.



City of Molalla – Department of Finance

FRAUD POLICY

Fraud Policy Effective July 1, 2015

Article 1.1 – Purpose

The City of Molalla is committed to the highest standard of moral and ethical behavior by its employees, including management, elected officials, volunteers, vendors and contractors, to strengthen the public's trust in the integrity of our municipal government. This policy establishes responsibilities and procedures for reporting, investigating and resolving suspected acts of fraud, theft, waste, abuse and ethical misconduct. It will provide a structure that will encourage the reporting of any suspicions of violations of this policy and will ensure that employees are able to discuss their concerns in a secure and confidential environment.

Article 1.2 – Scope

This policy is applicable to all City of Molalla employees, elected officials, volunteers as well as outside consultants, contractors and vendors who have a business relationship with the City of Molalla.

Article 1.3 – Policy

Through all levels of management, the City of Molalla is responsible for the prevention and detection of fraud, misappropriation of City of Molalla funds, or any other deemed inappropriate conduct. It is the City of Molalla's intent to fully investigate any suspected acts of fraud, theft, abuse, waste or unethical behavior, in an impartial manner regardless of the suspected wrongdoer's length of service, position, title or relationship to the City of Molalla.

Any violation of this policy that is detected or suspected by City of Molalla employees, elected officials, volunteers as well as outside consultants, contractors and vendors, who have a business relationship with the City, must be reported immediately to the City Manager or the Anti-Fraud Committee as outlined in the Responsibilities and Procedures section of this policy. The Anti-Fraud Committee will determine who will investigate the suspected fraudulent activity in accordance with this policy. Any employee found to have violated this policy will be subject to disciplinary action up to and including dismissal and/or prosecution by the appropriate authorities. Elected officials, volunteers and others having a business relationship with the City of Molalla may be subject to sanctions or prosecution by the appropriate authorities. The City of Molalla intends to pursue every reasonable legal remedy when a violation has occurred and to obtain recovery of any losses from the offender including, when appropriate, notifications of bonding company, court-ordered restitution, or other available remedies.

Article 1.4 – Definitions of Fraud

Fraud: An intentional illegal use of City of Molalla assets by any act including, but not limited to, theft, embezzlement or misrepresentation. Fraud is designed to obtain a benefit or advantage or cause some benefit that is due to be denied. Examples include, but are not limited to:

- Forgery or alteration of a check, document, or account belonging to the City of Molalla
- Misappropriation of city funds, securities, supplies, or property. (*Misappropriation means to illegally use public funds or assets, which have been set aside for a specific purpose, for personal gain*)
- Unauthorized personal use of city equipment and supplies
- Profiteering as a result of insider knowledge
- Theft of cash, checks or property
- Falsifying records such as timecards, expense reports or official documents
- Willful destruction of City of Molalla property
- Employee with access to confidential information who sells this information for personal gain
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the City of Molalla

Waste: The expenditure or allocation of resources significantly in excess of need. Examples include, but are not limited to:

- Unauthorized use or misuse of city facilities, equipment or vehicles
- Falsifying time worked or leave taken on a timesheet
- Retaining ineligible dependents on health care coverage
- Unnecessary incurring of costs as a result of inefficient or negligent practices, systems or controls.

Abuse of Position: Use of employment or official position with the city to obtain personal gain or benefit from the city to which one is not entitled. Examples of *abuse of position* include, but are not limited to:

- Obtaining a benefit or service from the city which one does not qualify
- Providing a benefit or service to someone for which they do not qualify
- Unauthorized reductions in fees and fines
- Suspending or terminating enforcement action based on a personal relationship
- Bid-fixing

Ethical Misconduct: Individuals, who conduct their official duties in a manner which is not impartial, use their position for personal gain, or fail to properly disclose an actual or potential conflict of interest. See the City of Molalla's Charter and/or Personnel Policy for details.

Examples include, but are not limited to:

- Authorize contracts in violation of municipal purchasing laws
- Failure to disclose an actual or potential conflict of interest
- Accepting gifts prohibited by Oregon ethics laws

Job Application Fraud: Individuals, who knowingly provide false information on job applications.

Article 1.5 Responsibilities and Procedures

Management and Employees: Managers, supervisors, and administrators at all levels are responsible for maintaining a system of internal controls which prevent, deter, or detect fraud, theft, waste, abuse, and/or unethical or dishonest behavior. Managers, supervisors, and administrators are also expected and required to recognize risks and potential exposures that may be inherent within their areas of responsibility, to be alert to any indication of irregularity or potential violation of this policy, and to know and follow the requirements set forth in this policy.

Each employee is required to report any suspected or detected violation of this policy, fraud, theft, waste, abuse or other unethical or dishonest conduct. An employee may choose to report immediately the suspicion and/or detection to their department manager, who in turn must immediately report the information to the City Manager or the Anti-Fraud Committee. If the employee is not comfortable reporting directly to their department manager, the employee may immediately report their suspicion directly to the City Manager, Anti-Fraud Committee or anonymously in writing to the City Manager. Suspected fraudulent activity and/or violations of this policy involving the City Manager's Office must be reported to the Anti-Fraud Committee immediately.

The employee reporting suspected violations of this policy and/or fraudulent activity may choose to identify themselves or to remain anonymous. The identity of an employee or complainant who reports suspected fraudulent activity will be protected to the fullest extent possible, but the City of Molalla cannot guarantee confidentiality. It is the City of Molalla's intent to protect an employee who discloses information of suspected fraudulent activity from retaliatory actions by other individuals in accordance with Oregon Statutes, Section 659A.200-203 (Whistleblower's Act) which prohibits adverse personnel actions against an employee for disclosing this information. Retaliation against an employee or other person who reports a detected or suspected violation of this policy is strictly prohibited. Any employee who retaliates against a person for reporting a detected or suspected violation of this policy will be subject to discipline up to and including termination of employment.

In all cases, the reporting employee must provide enough detail about the activity to aid in the investigation. All employees, which include management employees, will cooperate with the Anti-Fraud Committee and investigators and will not by any means personally investigate the suspected fraud, or contact the suspected individual in an effort to determine facts or demand restitution.

All employees shall cooperate with the investigative processes of the Committee and law enforcement agencies including prosecution of offenders. All participants in a fraud investigation will keep details and results of the investigation confidential. All inquiries from suspected individuals and their legal representatives must be directed to the City Manager. Proper response to such an inquiry is, "I am not at liberty to discuss this matter."

Article 1.6 – Anti-Fraud Committee / Human Resources

The City of Molalla's Anti-Fraud Committee will be comprised of the City Manager, Council Member, City Recorder, and Finance Director. The Committee will appoint the investigator and oversee and coordinate all actions taken during the course of the investigation. The investigator will have unlimited and unattended access to all relevant city files at all times in order to facilitate investigative work as permitted by city policy and state and federal law. All investigations conducted by the Committee are considered part of the audit process and the working papers will be kept confidential in accordance with state statutes and administrative rules regarding public records laws.

Great care must be taken in the investigation of suspected fraudulent activity to avoid mistaken accusations or alerting suspected individuals that an investigation is under way or making any statement which could provide a basis for a suit for false accusation or other offenses. The Committee will evaluate the extent of any potential criminal activity, including consulting the Clackamas County District Attorney's Office if needed. If any potential prosecutable criminal activity exists, the Police Department or other appropriate law enforcement agency will be notified and conduct the investigation. The Committee will assist with the investigation if law enforcement requests such assistance. In every case, the City will cooperate fully with the

investigating and prosecuting authorities. If no potentially prosecutable criminal activity exists, the City Manager will conduct the investigation with the assistance of other appropriate City officials.

If fraudulent activity is detected or reasonably suspected of the City Attorney or City Manager, the City Recorder will apprise the Mayor and Council of the investigation and update them on progress as is deemed appropriate.

In cases where the suspected fraudulent activity involves the offices of the City Manager or City Finance, the Committee will determine the investigation process and assign an investigator.

The City Manager or City Attorney will be apprised of the investigation and updated on progress as is deemed appropriate by the investigator.

The City Manager or City Recorder, as appropriate, may notify the Mayor and Council of a reported allegation of fraudulent activity upon the start of the investigation to the extent practical. The Mayor and Council will be apprised of the progress of the investigation as deemed appropriate by the City Manager. At the conclusion of the investigation, a confidential report will be issued and distributed to the Mayor, City Council, City Manager and City Attorney. After their review, a copy of the report will be provided to the appropriate department head and the Finance Director.

Article 1.7 – Disciplinary Action

If a suspected or detected violation of this policy is substantiated by an investigation, the City will take the appropriate action in conformance with City and departmental personnel policies and procedures, and union contracts if applicable. Violations of the City of Molalla's Fraud Policy will result in disciplinary actions up to and including immediate dismissal. Examples of violations of this policy which can lead to disciplinary action up to and including dismissal include, but are not limited to an employee who:

- Commits an act of fraud, theft, abuse, waste or other unethical behavior as defined by this policy.
- Suspects, discovers or has knowledge of fraudulent activity that violates or potentially violates this policy and fails to report the information as required by this policy; or
- Intentionally reports false or misleading information of fraudulent activity; or
- Retaliates against or penalizes any individual for reporting or cooperating in the investigation or prosecution of fraudulent activity.

Article 1.8 – Distribution

All City of Molalla employees, volunteers and elected officials will be given a copy of this policy. All newly hired employees and appointed volunteers will be provided a copy as part of orientation and required to provide a written acknowledgement upon receipt of the policy which be retained by the Human Resources Clerk.

Article 1.9 – Administration

The City Manager is responsible for the administration, revision, interpretation and application of this policy. The policy will be reviewed and revised as needed.

ACKNOWLEDGEMENT OF RECEIPT OF CITY OF MOLALLA FRAUD POLICY

I hereby acknowledge the receipt of a copy of the City of Molalla Fraud Policy. I agree to read and familiarize myself with the contents and I understand I will be responsible for adhering to this Policy. I agree to abide by the City of Molalla's rules and procedures as outlined in this Policy.

Signature Date

Printed Name Relationship to the City of Molalla
(Employee/Volunteer/Elected)

Financial Policies

Financial Goals

The City of Molalla's financial goals seek to:

- Ensure the financial integrity of the City
- Improve financial information for decision makers at all levels
- Assist policy makers as they contemplate decisions affecting the City on a long-term basis, and be a manager as they implement policy on a day-to-day basis

Financial Objectives

The City of Molalla's fiscal policies address the following major areas:

1. Revenue policy - Addresses property taxes, user charges, and other sources to adequately fund desired services
2. Operating budget policy - Relating to budgeting guidelines
3. Accounting policy - Relating to reporting financial transactions and preparing financial reports
4. Debt policy - Dealing with long-term financing of the City's capital needs and its bond rating
5. Reserve policy - For establishing reserves and contingency funding as needed for the various activities of the City
6. Management of fiscal policy - Dealing with approval, recommendation, review, and implementation of policies including monitoring compliance

Long-Term Financial Policies

The City of Molalla's long-term financial policies are as follows:

1. REVENUE MANAGEMENT POLICY

A. General Guidelines

1. Dedicated revenue sources shall be used only for the purposes for which funds are being collected. For example: gasoline tax revenue shall be used only for street maintenance, improvements and operations.
2. One-time revenue sources will not be used to fund ongoing operations of the City.
3. The City will closely manage the collection of its revenues. In the event of non-payment of obligations such as utility bills, the City shall discontinue service using collection agencies, liens, and other methods of collection as necessary.

B. System Development Charges, User Fees and Other Charges

1. General:

System Development Charges (SDCs) are levied on new developments to finance capacity improvements to sewer, water, streets, storm drainage, and parks due to growth. System Development Charges may be a reimbursement fee, an improvement fee, or a combination thereof assessed or completed at the time of increased usage of a capital improvement or issuance of a development permit/building permit in connection to the capital improvement.

To the extent practical, the City of Molalla will use SDCs to pay for additional service capacity rather than levying taxes and/or imposing service charges on all city residents. As a result, SDCs have been established that reflect the costs of providing roads, storm drains, water, sewer, and parks improvements needed to service demands of the growing community.

2. Fee Increases/Reviews:

Fees and charges should be reviewed on an annual basis to determine whether the

fees being charged are adequate to cover the entire cost (operating, direct, indirect, and capital) of providing the service. Before fees and charges are adjusted, the City shall consider rates assessed by comparable cities.

C. Utility Rates

1. Charges for providing water, sewer, and street lighting shall be sufficient to finance all operating, capital outlay, and debt service expenses of the City's enterprise funds, including operating contingency and reserve requirements. Projects funded with SDCs and general obligation bonds shall be excluded from this requirement. It is the City's position that if a system's capacity needs to be expanded as a result of growth, the cost of the expansion should be borne by those causing the growth. On an annual basis, the City shall review and, if necessary, revise the rates it charges to its utility customers.

D. Interest Income

1. Interest earned from the investment of City money shall be distributed to the appropriate fund in accordance with the equity balance of the particular fund from which the money was provided for investment.

2. OPERATING BUDGET POLICY

A. Compliance with Local Budget Law

The City shall prepare, present, adopt, and amend its annual operating budget in accordance with Oregon Budget Law.

B. Budgetary Control System

1. The City shall maintain a budget system to monitor expenditures and revenues on a monthly basis, with a thorough analysis and adjustment (if required).

2. The City shall not adopt an operating budget that is greater than the amount of resources available to fund it. Current operating resources will be sufficient to support current operating expenditures, reimbursement transfers, reserves, and contingencies.

3. Long-term debt or bond financing shall only be used for the acquisition of capital facilities or specialized equipment. Long-term debt or bond financing shall not be used to finance current operating expenditures.

3. ACCOUNTING POLICY

A. Maintenance of Accounting Records

The City shall establish and maintain its accounting systems according to Generally Accepted Accounting Practices (GAAP) and shall adhere to generally accepted accounting principles and standards promulgated by the Government Finance Officers Association (GFOA), Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB).

B. External Audit

1. An annual audit shall be performed by an independent public accounting firm, which will issue an official opinion on the annual financial statement, along with a management letter identifying as needing improvement, if appropriate.

2. Full disclosure of the City's financial condition shall be provided in the financial statements and bond representations.

C. Financial Reporting

1. A Comprehensive Annual Financial Report (CAFR) shall be submitted to present the results, financial position, and operations of the City for the prior fiscal year.

2. Quarterly budget reports showing the current status of revenues and expenditures

shall be prepared and distributed to appropriate legislative, staff, and management personnel in a timely manner and made available for public inspection.

4. DEBT SERVICE

A. Uses of Debt

Debt shall not be used for operating purposes. No debt shall be in existence for longer than the useful life of the capital investment for which the debt was incurred.

B. Debt Margins

The City shall ensure that its debt margins are within the 3% true cash value limitation as set forth in ORS 287.004.

C. Financing Alternatives

The City will examine all financial alternatives in addition to long-term debt. These alternatives will include pay-as-you-go, reserve funds, lease-to-purchase, local improvement districts, borrowing from other funds, and system development charges. Before a decision is made, a cost benefit analysis will be performed for each alternative being considered with the goal of minimizing the cost of the financing to the City. All financial analysis shall be reviewed by the finance director prior to any final decision.

5. RESERVE POLICY

A. Budget Contingency Plan

The City shall maintain a contingency plan in order to respond to significant shortfalls within the City's budget. The plan shall outline an appropriate course of action that management should consider in response to significant gaps between revenues and expenditures.

B. Minimum Fund Balances (Reserves)

The City's goal shall be to maintain a non-appropriated fund balance in the general fund of at least 5% of the annual operating expenditures. This goal will also apply to the City's other operating funds. The reserve shall be used to avoid cash flow interruptions, generate interest income, and reduce the need for any short-term borrowing.

C. Operating Contingency

The City shall attempt to establish an operating contingency that will be used to provide for unanticipated expenditures of a non-recurring nature or to meet unexpected increases in service delivery costs. This contingency budget shall be at least 5% of each fund's original budget estimate for the fiscal year. This policy does not apply to debt service, trust, capital projects, and temporary or certain special purpose funds.

6. MANAGEMENT OF FISCAL POLICIES

1. Fiscal policies and changes in policies shall be approved by the City Council and adopted by resolution at a public hearing.

2. The City Manager shall recommend fiscal policy and changes in policy to the City Council.

3. The City Manager shall prepare a report explaining the substantive impact of all recommendations and their impact on the City's operations, service levels, and/or finances.

4. The City Manager shall implement fiscal policies and monitor compliance.

5. If the City Manager discovers a material deviation from policy, he/she shall inform the City Council in a timely manner.

6. As a part of the City's annual budget document, the City Manager's budget message shall identify:

- (a) all major changes in policy since the previous budget year;
- (b) any material variations from policy in the ensuing year's budget;
- (c) any deviation from established policies in the previous fiscal year.

CITY COUNCIL



CITY COUNCIL

Orientation Manual

Section Eight

Boards and Commissions

CITY OF MOLALLA Boards and Commissions

Most Boards and Commissions are established in the City of Molalla for the purpose of advising the City Council as provided by the Charter or by ordinance. Members of such boards shall be appointed by the Mayor, with the exception of the Urban Renewal Agency, who's members are the elected members of the City Council.

Molalla's system of boards and Commissions provides a way for residents who have special experience or interests to participate in the City's decision-making process by advising the City Council on numerous issues.

The boards and commissions system provide the opportunity to interact creatively with people of all ages, interests and backgrounds. Democracy can be realized when citizens are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives. While members of the City Council are themselves elected from within the community, it is important that they in turn ensure that a wide variety of viewpoints from the rest of the community are considered when boards make recommendations to the City Council. Board members should treat these widely varying viewpoints of other members and the public with respect so that all citizens are encouraged to participate in government.

The City of Molalla enjoys a wide variety of Council-appointed citizen boards, commissions, and committees which advise the City Council on numerous issues. As citizen participation has evolved into a vital and integral part of local government, the number of boards has steadily grown.

Most boards and committees/commissions include member terms that end on December 31st. Advertising and recruitment for openings is administered by the City Recorder's Office in the fall of each year. Appointments are made for new terms in January of each year. Each board or committee has specific membership requirements, and the City's Website is the ideal place to locate the membership and board information.

Membership requirements, board/committee descriptions, and the Board and Commission Manual will be found on the City's Website in the near future.

The following Boards and Committees are active in the City of Molalla:

- Budget Committee
- City Council
- Library Board
- Planning Commission
- Urban Renewal Agency
- Urban Renewal Budget Committee

CITY COUNCIL

CITY COUNCIL

Orientation Manual

Section Nine

Addenda

SUPPORT FOR THE CITY COUNCIL

The City Recorder's Office is the City Council's contact for administrative matters such as expense reports, travel arrangements for City-related business, training and conference registration, agenda packets, City Hall access, and other housekeeping needs. Due to staff limitations, the City Recorder's Office is not able to provide personal clerical or administrative duties for the City Council. Should tasks require significant time commitments, prior consultation with the City Manager is requested.

MAIL DELIVERY

Mail is collected for the City Council and delivered to the Council on meeting days or via USPO. Councilors are welcome to stop by City Hall at their convenience to pick up mail if they so desire. The Council's mail is subject to public records law and must be maintained according to retention. The City Recorder's Office can assist with this task.

ACCESS TO INFORMATION

The Mayor and City Councilors have access to any City information, reports, or correspondence and can be provided the documents through the City Manager's Office. In cases where a staff response to an individual City Councilor request involves written material, which may be of interest to other Councilors, the City Manager may provide copies of the material to the entire City Council. In making this decision, the City Manager will consider whether the information is significant, new, otherwise not available to the Council, or of interest to the entire Council.

CITY HALL ACCESS

Internal access at City Hall is achieved through key cards assigned to each City Council member upon request. New Councilors will be assigned a key card following their oath of office.

iPad

The Mayor and City Councilors are issued an iPad for exclusive use of City business for the duration of their elected term. The iPad are used to access agenda packets, City e-mail, create correspondence, and other City business matters. Personal use of the City-issued laptop is not recommended.

E-MAIL ACCESS

Each City Council member will be assigned a City e-mail account. The e-mail address will be printed on the Councilor's business cards. Again, the contents of all e-mail are subject to the Open Records Law, as previously discussed.