RESOLUTION NO. 15-11

A RESOLUTION APPROVING A THIRD AMENDMENT TO THE CITY COMMISSION RULES OF PROCEDURE

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City Commission finds that Section 1 of the Charter of the City of Oregon City provides that the City Commission shall adopt rules for the government of its members and proceedings; and

WHEREAS, the City Commission finds that establishing rules of procedure governing public meetings is important to efficient and effective resolution of City business; and

WHEREAS, the original Rules of Procedure were established by the City Commission by Resolution No. 11-01 on March 16, 2011; and the 1st Amendment to the Rules were approved by Resolution No. 11-24 on November 2, 2011; and the 2nd Amendment to the Rules were approved by Resolution No. 14-16 on July 2, 2014; and

WHEREAS, the City Commission desires to further amend the Rules of Procedure.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1 Authority and Purpose

The Charter of the City of Oregon City provides that the City Commission ("Commission") shall adopt rules for the government of its members and proceedings. The following rules of procedure shall be in effect upon adoption by the Commission and until such time as they are amended, or new rules are adopted. For purposes of these rules, the Mayor is included in the term "Commissioner," unless the context requires otherwise. The rules are designed to apply to all City boards, committees, and commissions where appropriate.

Section II General Rules

A. Meetings to be Public: The deliberations and proceedings of the Commission shall be open to the public in accord with ORS 192 and any other applicable public meetings laws.

B. Quorum: Three members of the Commission shall constitute a quorum to conduct the City's official business at regular and special meetings. The concurrence of a majority of the members of the Commission present at a Commission meeting shall be necessary to decide any question before the Commission.

C. Attendance:

1. Commissioners are expected to attend all Commission work sessions and regular meetings; however, when it is necessary for a Commissioner to be absent from any meeting of the Commission, Commissioners are expected, as a matter of courtesy, to notify either the Mayor or the City Manager of their planned absence. Commissioners not present at a meeting will be noted as absent in the meeting minutes.

2. A Commissioner who is unavailable in person may participate in work sessions and regular meetings by conference call or other electronic means. If such participation occurs, the Commissioner shall be considered in attendance and not absent.

D. Compelling Attendance: When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, the remaining Commissioners may compel attendance of the absent Commissioners in accordance with Section 15 of the City Charter.

E. Minutes of Meetings:

1. Except as provided in paragraph 2 below, the Commission shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes 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 Commission present;

b. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;

c. The results of all votes and the vote of each member by name; and

d. A reference to any document discussed at the meeting.

2. Minutes of executive sessions shall be kept in accordance with the above four (4) points. Instead of written minutes, a record of any executive session may be kept in the form of a sound tape or other suitable recording which need not be transcribed unless otherwise provided by law.

3. The City Recorder or designee shall have the responsibility for preparing minutes, for correcting minutes to reflect Commission amendments, for retaining minutes, and for furnishing copies of the minutes to persons desiring a copy.

4. Minutes shall be prepared with sufficient detail to meet their required use. Specifically, the following requirements shall be met:

a. Recordings shall be made at each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the validity of the written minutes. The City Recorder or designee may temporarily interrupt the Commission proceedings in the event of equipment malfunction or other case of short term loss of recording.

b. If a verbal staff report is a summary of an agenda report, it may be so referenced in the minutes.

c. Names and, if furnished, city of residence of persons testifying shall be included in the minutes.

d. If a citizen's verbal testimony is a full summary of a written letter or other submission, it may be so referenced in the minutes.

e. All exhibits submitted, received and not excluded by the Commission during hearings and all other documents submitted shall be noted in the minutes.

f. Except for delay beyond the control of the City Recorder, or in the event of extraordinarily lengthy meetings, the minutes shall be prepared in final form by the next regular Commission meeting.

g. Minutes are public records upon composition; however, if distributed to the public before Commission approval, in any form other than as part of the Commission meeting information, "DRAFT" shall be noted on each reproduced page.

5. After being prepared in final form by the City Recorder or designee, the minutes shall be submitted to the Commission as quickly as feasible for approval by motion duly made and seconded, and approved by a majority of a quorum present. Approval of the minutes of any meeting may be undertaken individually or in conjunction with other business items as part of approval of a motion in a consent agenda item. Members of the Commission may vote on approval of minutes whether or not they were present at the meeting.

6. The Commission may amend the minutes to reflect more accurately what transpired at a meeting. An individual Commissioner may call for additions or corrections to the minutes and unless there is disagreement from other Commissioners, the motion to approve the minutes shall include the minutes as amended. If the Commission questions the minutes or is unsure they accurately reflect what transpired during a meeting, the Commission may postpone approval of the minutes until recordings of the portion of the meeting in question can be consulted. The Commission shall be the final authority as to the amendment of the minutes.

7. When approved, the minutes shall be kept on file permanently in the City Recorder's office in paper and electronic formats. Sound recordings of Commission meetings shall be retained for a minimum of twelve months, subject to the Commission ordering retention for a longer time.

8. Both written minutes and sound recordings shall be available for public inspection and copying during office hours. Sound recordings and a listening device shall be available to the public for use on City premises. The City Recorder may implement additional reasonable rules and procedures to assure the preservation and orderly public review of such sound recordings.

F. Right of Commissioner to be Heard: Any Commissioner desiring to be heard shall be recognized by the presiding officer, but shall confine his or her remarks to the subject under consideration.

G. Addressing Staff: Commissioners at Commission meetings shall address questions or requests of staff through the staff person presenting the agenda item or the City Manager. All other requests of staff must go through the City Manager.

H. Rules of Order: "Robert's Rules of Order" shall govern in all situations not specifically covered by these rules or the City Charter. The Commission has previously adopted Robert's Rules of Order. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall prevail. The City Attorney shall be the parliamentarian for the Commission.

Section III – Types of Meetings

A. Regular Meetings: Regular City Commission meetings shall be held at 7:00 p.m. on the first and third Wednesdays of each month in the City Commission Chambers at City Hall, 625 Center Street, Oregon City. All regular meetings will be adjourned no later than 10:00 p.m. unless extending until no later than 11:00 p.m. is unanimously agreed upon by the Commissioners present at that meeting. When a City Commission meeting falls on a legal or national holiday, the meeting shall be held the following day or on a date fixed by the Commission for that meeting.

B. Special Meetings: The Mayor may call a special meeting of the Commission. A special meeting may also be held at the request of three members of the Commission. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission. A special meeting shall be subject to the same rules applicable for regular Commission meetings. An emergency meeting may be called by the Mayor or three members of the Commission for a time not earlier than three or later than 48 hours after notice is given. The call for an emergency meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered.

C. Work Sessions: Work sessions are typically held at 5:30 p.m. on the Tuesday between the first and third Wednesdays of each month Commission. No formal votes may be taken on work session items, although Commissioners may be polled in order to give direction to the City Manager on topics under discussion at a work session. The agenda for the work session shall be prepared by the City Manager based on any of the following:

1. All items directed by the consensus of the Commission shall be listed on the agenda.

2. All items deemed appropriate by the City Manager as specified in the City Charter.

3. Business from the Commission pertaining to committee reports and other Commission business.

D. Executive Sessions: 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. City Commissioners and staff in attendance shall not disclose to any person the content of any discussion that takes place in an executive session. The Commission may require all in attendance not to disclose executive discussions and may adopt appropriate sanctions for breach of such requirement. 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 Commission may reach a consensus in

executive session. Decisions must be taken by formal vote in open session to allow the public to know the result of the discussions in executive session.

E. Retreat: The Commission shall hold a retreat in January of each odd numbered year for the purpose of setting Commission goals. In addition, at the retreat, all City department heads shall give an annual department update, addressing current and future projects for the department. Commission retreats shall be held within City limits and are subject to the open meeting and public records laws of Oregon.

Section IV – Presiding Officer and Duties

A. Presiding Officer: The Mayor shall preside over the City Commission's deliberations. The Mayor shall have a vote on all questions before the Commission; shall have authority to preserve order, enforce the rules of the Commission, and determine the order of business under the rules of the Commission. In the absence of the Mayor, the Commission President shall perform the Mayor's duties. In the absence of the Mayor from the city or the inability of the Mayor to act, the President of the Commission shall have and exercise the power to perform all duties of the Mayor. In the absence of the Mayor and the President, if a quorum of the Commission be present, the senior member of the Commission shall preside over the meeting as President Pro-Tem. If there is no one senior member of the Commission, Commissioners shall choose, by vote, a President Pro-Tem to preside at that meeting.

B. Call to Order: The meetings of the Commission shall be called to order and conducted by the Presiding Officer.

C. Preservation of Order: Effective governance requires that Commissioners, staff, and members of the public treat one another with dignity and respect at all times. The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of Commissioners' and citizens' motives, and confine Commissioner debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive or disruptive may be removed from the meeting. The presiding officer may summon the assistance of the police or other administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary to restore or maintain order, the presiding officer may sign a complaint on behalf of the City.

Commissioners, staff, and the public must first be recognized by the presiding officer before speaking. Any of the following shall be sufficient cause for the presiding officer or Sergeant-at-Arms to remove any person from the City Commission Chamber or City Hall, at the direction of the presiding officer, for the duration of the meeting:

1. The use of unreasonably loud, disruptive or profane language.

2. The making of loud or disruptive noise.

3. Engaging in violent or distracting action.

4. The willful damage of furnishings or of the interior of the City Commission Chamber or City Hall.

5. The refusal to obey any of the rules of conduct provided within this Section, including the limitations on occupancy and seating capacity.

6. The refusal to obey an order of the presiding officer or an order issued by any Commissioner which has been approved by a majority of the Commissioners present.

7. Any conduct that substantially obstructs the work or the conduct of business of the Commission.

Before the presiding officer directs removal of any person from the meeting hall for conduct described here, that person shall be given a warning by the presiding officer to cease the objectionable conduct.

If a meeting is disrupted by members of the audience, the presiding officer or a majority of the Commissioners present may order that the City Commission Chamber or City Hall be cleared.

D. Points of Order: The presiding officer with the advice of the City Attorney shall determine all procedures, subject to the right of any Commissioner to appeal to the Commission. If any appeal is taken, the question shall be, "Shall the action proposed by the presiding officer be sustained?"

E. Question to be Stated: The presiding officer shall ensure that all questions submitted for a vote are clearly articulated for the record and shall announce the result. A roll call vote shall be taken upon the request of any Commissioner.

F. Substitution for Presiding Officer: The presiding officer may call upon the President of the Commission, or if absent, any other Commissioner, to preside temporarily over the meeting. Any such substitution shall not continue beyond adjournment.

Section V – Agenda and Order of Business

A. Agenda: The City Commission agenda is the official order of business at City Commission meetings. The agenda shall be a listing by topic of subjects to be considered by the Commission at any meeting. Items are placed on the agenda by consensus of the majority of the Commission or recommended by the City Manager. The agenda shall be delivered to Commissioners as provided in Section D(1) below, unless a special or emergency meeting is duly called, in which case delivery shall be prompt, in accordance with the circumstances.

Each agenda item typically includes a Commission 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 Commission meetings, and there will be no supporting materials in the packet. The City Manager shall be responsible for approving the staff recommendation on each agenda item. Commissioners are encouraged to contact the City Manager before arriving for the meeting if they have questions about an agenda item.

B. Consent Agenda: The consent agenda contains routine items that are generally not controversial and do not require further discussion. The group of items may be approved with one motion and one roll call vote. Items may include approval of the minutes, routine resolutions, easements, deeds, agreements, contracts, and other miscellaneous items. Any

item or items may be removed for separate consideration at the request of any Commissioner or member of the public. Items removed for separate consideration will be considered immediately following approval of the consent agenda.

C. Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

1. Call to Order – The Mayor calls the meeting to order and roll call is taken.

2. Flag Salute.

3. Ceremonies, Proclamations, Presentations.

4. Citizen Comments – This section allows members of the public to speak for three minutes near the beginning of each regular Commission meeting on any matter of interest that is not on the agenda. The comment time may be adjusted by Commission consensus. Verbally abusive or disruptive behavior or slanderous comments are not allowed.

The City Commission does not generally engage in dialog with those making comments, but may ask clarifying questions with the Presiding Officer's permission or refer the issue to the City Manager for evaluation. The City Commission requests that complaints be initially addressed at the department level prior to the citizen addressing the City Commission.

Only those citizens who have completed a comment form and delivered it to the City Recorder will be called to speak. When called upon, speakers shall state their name and city of residence for the record. The City Recorder shall receive any written comments or other materials submitted to the Commission. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via electronic mail, 48 hours prior to the meeting. The citizen's external electronic data device will not normally be permitted to be used on City equipment for security purposes.

5. Adoption of the Agenda – This section permits time to make additions, deletions, or changes to the current agenda, including removing an item from the consent agenda.

6. Public Hearings.

7. General Business – New items for consideration. General business also includes first and second readings of ordinances and some resolutions.

Ordinances for Introduction (First reading) – An ordinance is an act of law of the City of Oregon City or through an initiative ordinance enacted by the citizens of Oregon City through the election process. The ordinance for introduction to the City Commission, commonly called the "first reading," is considered by the Commission and if passed, is generally moved forward to the next Commission meeting for the second reading. The Commission can decide what will constitute the first reading – whether to have the entire ordinance read into the record, or only the title of the ordinance read into the record.

Final Ordinances (Second reading) – If approved at the second reading, the ordinance is passed and becomes effective 30 days following the second reading, unless an emergency is declared, in which case the Commission may choose a different time for the ordinance to become effective, including being effective immediately.

Resolutions – Resolutions may be required to authorize expenditure of City funds beyond authorized amounts, establish new funds, authorize certain contractual arrangements on behalf of the City, call for an election, to amend or rescind an existing resolution, and a number of other municipal actions. Unlike an ordinance, a resolution is usually effective immediately and does not require a second reading or a waiting period to become effective. A resolution should be reserved for the acts of the City Commission which require a formal written record that the action has been taken, but do not necessarily require the adoption of an ordinance or law.

8. Consent Agenda – All items listed under the consent agenda are considered routine and non-controversial and will be enacted by one motion. There will be no separate discussion on these items, unless an item has been removed from the consent agenda under Adoption of the Agenda.

9. Communications –
   a. The City Manager presents his/her report at this point in the meeting.
   b. Mayor's report and appointments by the Mayor of citizens to Boards or Commissions.
   c. Reports by Commissioners of their activities in the community.

10. Adjournment

D. Agenda Packets

1. The City Recorder is responsible for compiling the agenda and supporting materials for the City Commission meetings for the Mayor, Commissioners, staff, and the public. The City Recorder shall create the agenda packet and transmit electronically to each member of the City Commission and staff the Friday before each regular Commission meeting and before each special meeting as feasible. The packet shall also be electronically posted to the City's Web site at www.orcity.org.

2. Agendas for all City Commission meetings shall be posted on the notice board in the lobby of City Hall, at the Oregon City Library, at the Pioneer Community Center, and on the City's Web site. The agendas are also sent electronically to local news media and other interested citizens. The agenda shall also be available electronically and posted to the City's Web site at www.orcity.org.

Section VI – Committees

A. The Commission may create committees to assist in the conduct of its Charter duties with such assignments as the Commission may specify. The Mayor shall appoint, at his or her sole discretion, members to such committees to serve until the special purpose for which the committee was created has been accomplished or when the committee is abolished by the Commission. Unless otherwise provided by ordinance, all committees so created shall be

advisory to the Commission and all committees shall conduct their meetings in accordance with the Public Meetings Law.

Section VII – Reconsideration of Actions Taken

A. Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any Commissioner who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Commission. No additional testimony or evidence from the public shall be taken as part of reconsideration unless the record is re-opened and notice provided. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commissioners present at the meeting.

Section VIII – Use of Electronic Devices

A. It is the policy of the Commission, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Commission meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Commission. Use of such devices is generally permitted only at work sessions so long as the source and the content of the information is disclosed to the public and access to the information remains courteous to guests and meeting attendees.

Any electronic communication regarding a quasi-judicial matter to be considered by the Commission is an ex parte contact, and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Commission meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Commissioners must comply with the rules and laws applicable to public records.

B. Definitions

1. As used in this section, "electronic communications devices" means laptop computers, blackberries, cell phones, or other similar devices capable of transmitting or receiving messages electronically.

2. As used in this section, "electronic communications" means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Section IX – Conduct of Quasi-Judicial Land Use Hearings

A. Nature and General Conduct of Hearing

1. The Commission, when conducting an administrative, quasi-judicial land use hearing shall provide notice of the hearing to all persons entitled to notice under the codes of the City and state law. In conducting the hearing, the Commission shall provide to all entitled persons an opportunity to be heard, to present and rebut evidence to an impartial tribunal, to have the proceedings recorded, and to have a decision based on substantial evidence consistent with state law and the Oregon City Municipal Code.

2. Each person wishing to testify shall fill out a sign up card and provide it to the City Recorder. Speakers will proceed in the order in which their card is received. The information requested on the sign up card allows the city to provide appropriate follow up information, including notice of any decision, to persons who participate in the hearing.

3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.

4. No person shall testify without first receiving recognition from the presiding officer and stating his or her name and city of residence for the record.

5. There shall be no audience demonstrations, such as applause, cheering, display of signs or other conduct disruptive to the hearing.

6. The presiding officer, Commissioners, City Manager, City Attorney, and with the approval of the presiding officer, any other officer or employee of the city may question and cross examine any person who testifies.

7. Any person entitled to participate in a hearing may also submit written testimony in addition to or in lieu of speaking before the Commission.

8. Any person unable to attend and participate in the public hearing may submit written testimony by the noticed deadline.

9. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via e-mail, 48 hours prior to the meeting. The citizen's external electronic data device will not normally be permitted to be used on City equipment for security purposes.

10. Timetable for Staff Reports, Testimony, Rebuttal:

Public Hearing Process for Land Use Items:

Staff Report:

- 15 minutes for Staff report

Public Testimony:

- 15 minutes for applicant
- 5 minutes for representatives of a recognized Oregon City neighborhood association, government agency, or other incorporated public interest organization from Oregon City
- 3 minutes for any individual
- 5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

Public Hearing Process for Appeal Items:

Staff Report

- 15 minutes for Staff report

Public Testimony:

- 10 minutes for appellant
- 10 minutes for applicant
- 5 minutes for representatives of a recognized Oregon City neighborhood association, government agency, or other incorporated public interest organization from Oregon City
- 3 minutes for individuals
- 5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

B. Challenge and Disqualification of Commissioner(s)

1. With respect to any quasi-judicial action before the Commission, any proponent or opponent of a matter to be heard by the Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relating to the Commissioner's bias, prejudgment, conflict of interest or other facts from which the party has concluded that the Commissioner is unable to participate and make a decision in an impartial manner.

a. Such challenge must be made prior to the commencement of the public hearing.

b. Such challenge shall be incorporated into the record of the hearing.

2. No Commissioner shall participate in discussion or vote on a quasi-judicial matter when:

a. any of the following has a direct or substantial financial interest in the proposal: the Commissioner or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the Commissioner is then serving or has served within the previous two years, or any business which the Commissioner is negotiating for or has an arrangement or understanding concerning prospective partnership or employment;

b. the Commissioner has a direct personal interest in the proposal; or

c. for any other reason, the Commissioner determines that he or she cannot participate in the hearing and decision in an impartial manner.

3. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give official opinion to the Commission on the matter without first declaring for the record the nature and extent of such interest, as required by Oregon law.

4. The general public has a right to have Commissioners free from pre-hearing or ex parte contacts on quasi-judicial matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore,

Commissioners shall reveal any pre-hearing or ex parte contacts with regard to any matter at any commencement of the public hearing on the matter. If such contacts have impaired the Commissioner's impartiality or ability to vote on the matter, the Commissioner shall so state and shall abstain from consideration of the matter.

5. Notwithstanding any provision of this or any other rule:

   a. an abstaining or disqualified Commissioner may be counted for purposes of forming a quorum;

   b. a Commissioner may represent himself or herself, a client or any other member of the public at a hearing provided that the Commissioner:

      1. abstains from the vote on the matter;
      2. removes himself or herself from the Commission area and joins the audience; and
      3. makes full disclosure of his/her status and position at the time of addressing the Commission.

C. Presiding Officer:

1. The presiding officer shall have the authority to:

   a. regulate the course and decorum of the hearing

   b. dispose of procedural requests or similar matters;

   c. rule on admissibility of exhibits and other documents into evidence, offers of proof and relevance of evidence testimony;

   d. impose reasonable limitation on the number of witnesses heard and set reasonable time limits for oral presentations, questions of various parties and rebuttal testimony; and

   e. take other such action authorized by the Commission appropriate for conduct commensurate with the nature of the hearing.

D. Order of Procedure:
The presiding officer, in conduct of the hearing shall:

1. Commence the Hearing: Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.

2. In quasi-judicial matters, call for Ex Parte Contacts, Conflicts of Interest or Bias:

   a. Inquire of the Commission whether any member wishes to abstain from participation in the hearing. Any Commissioner then announcing a decision to abstain shall identify the reason for abstaining and shall not participate in discussion of the matter or vote on the matter.

b. Allow any Commissioner whose participation has been challenged by an allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex parte or pre-hearing contact with proponents or opponents to make a statement in response thereto or in explanation thereof, as part of his or her decision to participate in the hearing. This statement shall not be subject to cross-examination, except upon consent of the Commissioner, but shall be subject to rebuttal by the proponent or opponent as appropriate.

3. Objections to Jurisdiction: Inquire of the audience whether there are any objections to the jurisdiction of the Commission to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the Commission lack jurisdiction or the procedural requirements of the ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission.

4. Staff Report and Recommendations: Call upon the City Manager or other city staff person to provide that the nature of the matter be summarized, that any graphic or pictorial displays which are part of the record be explained, that the staff report, findings and decision of the Planning Commission or other appropriate board or agency be summarized, and provide other such information as may be requested by the Commission.

5. Applicant and Public Testimony: All testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open.

6. Applicant's Case: The applicant shall be heard first, followed by persons in favor of the proposal. If the hearing is an appeal, the applicant shall still be heard first.

7. Testimony in favor of the application. Allow supporters to be heard.

8. Testimony in opposition to the application. Allow opponents to be heard.

9. Public Agencies: Allow representatives of any city, state, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to testify.

10. Rebuttal Testimony: Allow the applicant to offer rebuttal testimony.

11. Written Communications: Facilitate distribution of written communications addressing a matter before the Commission prior to the commencement of the hearing to be considered for receiving into evidence.

12. Continuance or Close of Hearing and Deliberation by City Commission: The Commission shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, the staff, or the Planning Commission,

continue the public hearing with the public record open or close the public hearing and continue for deliberations. If the decision is continued for further public testimony or deliberations to a subsequent meeting, the time and place of the subsequent meeting must then be announced. Prior to deliberation on the matter, the Commission shall conclude the hearing. If the subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings, additional public testimony shall not be allowed, except upon decision of the Commission. If additional testimony is to be accepted after the close of the public hearing, the public hearing must be reopened, and is subject to public notice requirements.

E. Record of Proceedings:

1. The City Recorder, or designee, shall prepare a record of proceedings in the manner prescribed for all City Commission meetings.

2. The City Staff, where practicable, shall receive all physical and documentary evidence presented which shall be marked to show the identity of the person offering the evidence and whether it was presented on behalf of a proponent or opponent. Unless evidence is capable of being offered and incorporated into the record, it shall not be received. In those cases, the person offering testimony must provide the City Staff with a copy of PowerPoint presentations, oversized exhibits, etc. If the testimony and documentary evidence is not physically conveyed to the City Staff, those documents shall not be deemed part of the record. All exhibits received into evidence shall be retained by the Commission until any applicable appeal period has expired, at which time the exhibits may be released upon written request to the person identified thereon.

Section X – Amendments and Additions to Operating Procedures and Policies

A. Unless otherwise superseded by law, any part of these operating procedures and policies may be temporarily suspended by a two-thirds vote of those members of the Commission present and voting.

B. These operating procedures and policies may be permanently amended at any meeting at which prior notice of the proposed change is provided to each member of the Commission. A majority vote of those members of the Commission present and voting is needed to effect an amendment or an addition to these operating procedures and policies.

ENACTED this 1st day of April 2015.

DAN HOLLADAY, Mayor

Attested to this 1st day of April 2015,

Kattie Riggs

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney