

**CITY OF MT. ANGEL  
RESOLUTION NO. 1384**

**A RESOLUTION REPEALING RESOLUTION NO. 1323 GOVERNING  
PROCEEDINGS AND CONDUCT OF THE COMMON COUNCIL AND ADOPTING  
UPDATED CITY COUNCIL RULES.**

**WHEREAS**, upon the bi-annual review of the City Council Rules, it has been deemed necessary to make changes and updates; and

**WHEREAS**, the City of Mt. Angel Charter states that the Council shall adopt rules for the government of its Members and proceedings; and

**WHEREAS**, the City Council of Mt. Angel has determined that the following City Council Rules should govern the proceeding of the Mt. Angel City Council and should hereby be observed unless amended or suspended as provided herein;

**THEREFORE BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF MT. ANGEL:**

Section 1. The rules and procedures set forth in Exhibit A will be adopted as the City Council Rules.

Section 2. This resolution shall be effective immediately upon its passage.

Passed by the City Council this 2<sup>nd</sup> day of April, 2012, by the following vote:

**AYES:**

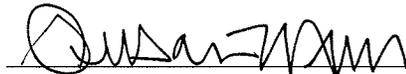
**NAYS:**

APPROVED BY THE MAYOR this 6<sup>th</sup> day of April, 2012.



\_\_\_\_\_  
Rick Schiedler, Mayor

ATTESTED BY:



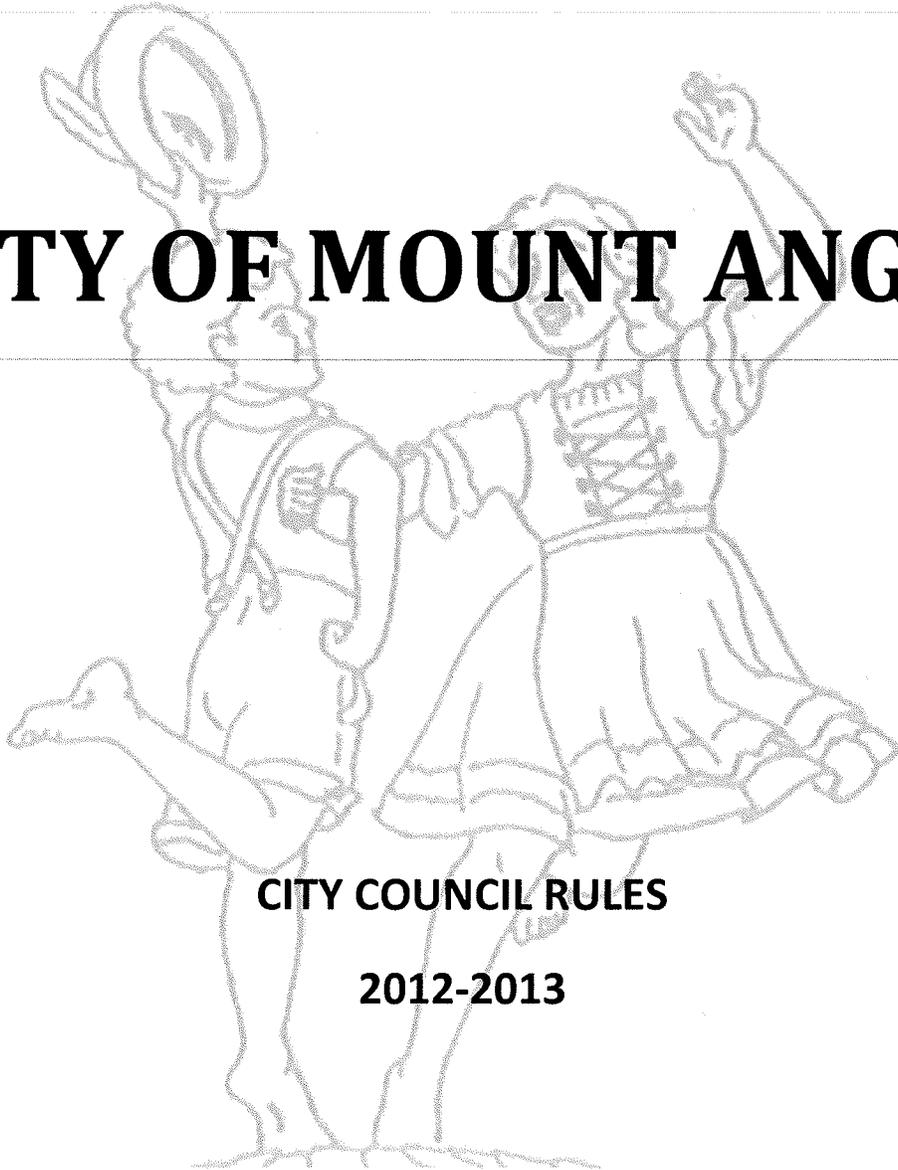
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Susan Muir, City Administrator

Exhibit A

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# **CITY OF MOUNT ANGEL**

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**CITY COUNCIL RULES**

**2012-2013**

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**CITY OF MT. ANGEL  
CITY COUNCIL RULES**

**I. AUTHORITY**

The City of Mt. Angel City Charter Section 13 provides that the Council will adopt rules to govern the meetings and proceedings of the City Council.

It is the intent that the Council will have clear and simple procedures for considering agenda matters.

The Council should review its rules at the Council's 1<sup>st</sup> meeting in the February of every even numbered year. Amendments to the Council Rules should be made by majority vote. Council rules are not intended to replace or supersede applicable federal or state laws and regulations or ordinances and provisions of the City Charter.

The Council will elect a Council President at the Council's first meeting of every odd-numbered year. Ballots will be cast by paper and the vote tabulated by staff.

**II. DEFINITIONS.**

As used in these Rules, the following mean:

**A. Council:**

As defined by the City of Mt. Angel Charter of 1982: The Council shall be composed of a Mayor and six (6) Council Members.

**B. Council Committees:**

All city committees, commissions, task forces, and advisory bodies.

**C. The Mayor:**

The Mayor or in the absence of the Mayor, the Council President or other Presiding Officer.

1. Mayor's Vote:

The Mayor will not vote, except in cases of a tie when the Mayor may exercise the right to vote to break the tie.

2. Mayor's Function at City Council Meetings

- a) Act as Presiding Officer of Council meetings and presides over deliberations of the Council.
- b) Preserve order.
- c) Enforce Council rules.
- d) Determine the order of business before the Council.

**D. Presiding Officer:**

The Mayor or in absence of the Mayor, the Council President or other Councilor presiding over the meeting. All references to Mayor will be construed as Presiding Officer throughout the rest of the document.

**E. Consensus:**

An opinion or position reached by the Council Members as a whole.

**F. Censure:**

A process by which a formal reprimand is privately issued to an individual by an authoritative body.

**III. COUNCIL MEETINGS**

**A. Regular meetings**

Regular meetings to conduct Council business will be held on the 1<sup>st</sup> Monday of each month unless cancelled for good cause by the Mayor. If necessary, a second meeting may be called. If Monday falls on a legal holiday and the City offices are closed, the meeting will be held on the Tuesday following the holiday unless otherwise rescheduled by a motion of the Council. The public and media will be given reasonable notice as required by law.

**B. Special Meetings**

Special meetings may be called by the Mayor, Council President in the absence of the Mayor, by request of the City Administrator, or by a majority of the Council. 24 hour notice is required.

**C. Executive Sessions**

Executive Sessions will be held in accordance with Oregon Public Meetings law.

**D. Emergency Meetings**

In the case of an actual emergency, the Mayor, or in the absence of the Mayor, the President of the Council may call an emergency meeting on less than 24 hours notice. (ORS 192.640(3)) An attempt must be made to contact the media and other interested parties to inform them of the meeting. Such contacts may be made by telephone, email, facsimile, website posting and social media. The content of the meeting must relate to the stated emergency. The minutes of the meeting will describe the emergency justifying less than 24 hour notice.

**E. Public Hearings**

The format of public hearings is adopted as part of these Council Rules. See Exhibit B. It will be revised as State law requires. Public Hearings will be noticed in accordance with Oregon Public Meeting Law.

**F. Workshops/ Work Sessions**

Workshops or work sessions may be held as needed to gather information and informally discuss specific issues or questions or to develop City Policy. The location, date, and time will be determined at regular Council meetings. The public may attend Workshops and Work Sessions, but participation is by invitation of the Council only. Notice consistent with regular meetings will be given.

## **IV. ATTENDANCE**

### **A. Council Members**

Councilors are expected to make every effort to attend all meetings. In the event that a Council member is unable to attend, the Council member will inform the Mayor and/or the City Administrator of their absence. Council members should leave contact information with the City Administrator in the event that they need to be summoned to achieve a quorum.

### **B. Attendance by the City Administrator**

The City Administrator is required at all Council meetings unless excused by the Mayor. The City Administrator should inform all Council members that he/she will not be present at a Council Meeting.

### **C. City Staff**

Members of the City Staff will attend when requested by the City Administrator.

### **D. City Attorney**

The City Attorney will attend when his/her presence is requested by the Council through the City Administrator, by the City Administrator, or by the Mayor in order to advise the Council on legal issues.

## **V. SERGEANT-AT-ARMS**

A law enforcement officer of the City may be Sergeant-at-Arms at Council meetings. The Sergeant-At-Arms will carry out all orders and instructions given by the Mayor for the purposes of maintaining order and decorum at the Council meeting. If the Sergeant-At-Arms determines that the actions of any person who violates the order and decorum of the meeting constitutes a violation of any City Ordinance, the Sergeant-At-Arms may place such person under arrest and cause such person to be prosecuted under the provisions of the Municipal Code.

1. Removal Action. The Mayor will warn any person whose conduct is described above before taking action to have such person(s) removed.
2. Vacating Council Chambers. If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Councilors present may order the Council Chambers or other meeting place to be cleared.

## **VI. AGENDA**

### **A. Regular Meeting**

The agenda may be adjusted by the Mayor, by a majority vote of the Council, or by the City Administrator with the consent of the Mayor. The agenda headings and normal order of regular Council meetings are as follows.

#### **A. EXECUTIVE SESSION**

1. CALL TO ORDER
2. FLAG SALUTE
3. ROLL CALL

4. PRESENTATIONS/GUESTS/ANNOUNCEMENTS
5. APPEARANCE OF INTERESTED CITIZENS
6. REVIEW CORRESPONDENCE
7. REVIEW WRITTEN STAFF REPORTS
8. REVIEW ACCOUNTS PAYABLE
9. CONSENT AGENDA
10. UNFINISHED BUSINESS
11. NEW BUSINESS
12. CITY ADMINISTRATOR'S REPORT
13. COUNCILOR/COMMITTEE REPORTS
14. MAYOR'S REPORT
15. ADJOURNMENT

**B. Agenda Items**

Items may be placed on or removed from Council agendas by any of the following methods:

- By the Mayor
- A majority vote of the Council
- Consensus of the Council
- By a Councilor advising the Mayor or City Administrator
- By the City Administrator
- By the City Attorney

**C. Other Meetings**

Agendas for all other meetings will be developed by the City Administrator in consultation with the City Council Members.

**D. General Information**

1. Preparation and scheduling of agenda items for regular Council meetings will be approved by the City Administrator and Mayor. Council members may make agenda suggestions at any Council meeting or by communication with the City Administrator. Council members will make their best effort to reach a consensus on agenda items and are encouraged to obtain staff input before requesting an agenda item.
2. Agendas will generally be set to allow meetings to end no later than 9:30 p.m. If the Council is still in session at 9:30 p.m., the Council will decide whether to continue with the agenda or move items to a future agenda.
3. Meeting agendas will be posted at least three days prior to the meeting time. An information packet will be delivered to the Council the Wednesday prior to the meeting if possible. Members of the public and the media may request to receive the packet information via email.

## **VII. MECHANICS OF MEETINGS.**

### **A. Quorum**

The Mayor will call the meeting to order at the hour designated for the meeting. The City Charter defines a quorum as the majority of the Members of the Council. If a quorum is not present, the City Administrator will immediately inform the absent members, except those known to be unavoidably detained, that their presence is required. If the absent members do not appear, the members present will adjourn the meeting until a specific time or until the next regular meeting.

### **B. Rules of Order**

Unless otherwise provided by law or by these rules, the procedure for Council meetings will 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 the rules of order should be liberally construed to that purpose. The Mayor will determine all points of order, subject to the right of any member to appeal to the Council.

#### **1. Main Motion**

Only one main motion may be considered at any given time. The main motion is debatable, may be amended, may be reconsidered, and may be rescinded. The main motion may take the form of a resolution and, if presented to the Council for consideration, it must be handled like any other main motion. Council members have the right to know at all times what the motion immediately pending is and to have it re-stated before a vote is taken. See Exhibit "A" for a description of motion types and permissible actions prescribed as generally acceptable open meeting form.

#### **2. General**

- a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second. The Mayor should then repeat the motion prior to voting.
- b. 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.
- c. Discussion of a motion is open to all Council members who wish to address the motion. Each Council member should have the opportunity to speak on the motion at hand.
- d. The Mayor will ask for a roll call 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.

### **C. Council Decorum**

The Mayor will preserve decorum and decide all points of order, subject to appeal by a member of the Council. The Councilors will assist the Mayor in preserving decorum and will not, by conversation or other action, delay or interrupt the proceedings or refuse to

follow the lawful directions of the Mayor or these Council Rules. Council Members will at all times conduct themselves in a manner appropriate to the dignity of their office.

A Council member desiring to question a city employee will direct their question to the City Administrator who will be entitled to either answer the inquiry or designate a staff member to do so.

#### **D. Audience Decorum**

1. The Oregon Public Meeting Law requires that meetings be held in public; however, it does not include the right to participate. Any member of the audience may request to speak by filling out a "Request to Speak" form prior to the beginning of the meeting. Generally, there will be opportunity to comment during a time for Appearance of Interested Citizens or regarding a specific agenda item. Once recognized, the speaker should limit their comments to about three (3) minutes. A member of the audience may request to speak at other times only when recognized by the Mayor. A citizen wishing to speak will state their name and city of residence for the record. For privacy reasons, the citizens address will be not be published in the written minutes of the meeting. The council retains the right to limit public comment, except where specified by Oregon Public Meeting Law.
2. Any person in the audience who makes personal, impertinent, slanderous remarks or who becomes boisterous while addressing the Council or while attending a Council meeting may be removed from the room, after fair warning, if the Mayor so directs. In case the Mayor should fail to act, any Councilor may obtain the floor and move to require enforcement of this rule. Upon affirmative vote of the majority of Councilors present, the person or persons will be removed as if the Mayor so directed.

#### **E. Minutes**

Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the City Council will comply with the provisions of ORS 192.650 by containing the following information at a minimum.

- The name of council members and staff present.
- All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
- The result of all votes, including ayes and nays and the names of the council members who voted.
- The substance of the discussion on any matter.
- Reference to any document discussed at the meeting.

The Council may request amendments to the minutes. Council members should make every attempt to submit any changes, additions, or corrections to the minutes to the City Recorder prior to the Council meeting so that a corrected copy may be submitted for approval by the Council. Other corrections may be made by authorization of the Council.

## **F. Audio taping/Videotaping of Meetings**

1. The City Recorder will make an audio recording of all Council meetings. Audio recordings are available by contacting City Hall and submitting a "Request for Public Information" form. All recordings requested are subject to the City's current fee schedule. Audio recordings of Council meetings will be retained for 7 years. Recordings of Executive Sessions are excluded from public disclosure and are retained subject to the State of Oregon Archives laws or longer at the direction of the Council.
2. Audio taping and videotaping of Council meetings, with the exception of executive sessions, made by members of the public, is permitted as long as such actions in no way disrupt the meeting. Equipment will be placed where it is out of the way of other audience members and may not be moved about while the meeting is in session.

## **G. Adjournment**

1. Upon motion and majority vote of the Council members present, any meeting 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 regularly scheduled meeting.
2. A recess: upon motion and majority vote of the Council members present, a short recess may be taken during a Council meeting, or at the discretion of the Mayor.
3. A motion to adjourn will be in order at any time except as follows:
  - When made as an interruption of a member while speaking.
  - While a vote is being taken.

## **VIII. Guidelines and Procedures for City Councilors**

### **A. Agenda Items**

In the interest of full disclosure and if a decision is desired, background material will be provided to the City Administrator one week prior to the Council meeting for placement in the Council packets. An agenda item may be postponed to the following meeting at the request of two Councilors or by the Councilor who placed the item on the agenda. Further postponement requires a majority vote of the Council members present.

### **B. General**

Any Councilor may attend committee meetings at which the Council is represented, but only the designated Councilors have the right to vote.

1. Councilors requesting information or who have questions should contact staff prior to the Council meeting to request the necessary information. All written information requested by an individual councilor will be submitted by staff to the entire council noting the Council member who made the request.
2. The Mayor and Council will be addressed by title when acting in official capacity during meetings and other official functions.
3. Councilors should speak for themselves only. A Council member may speak on behalf of the Council only when appointed by a majority vote of the Council.

4. Discussion should remain issue-oriented and should avoid personalization of issues.
5. Unless a City policy has been created by vote of the Council, a Council member should avoid creating or inferring change to City policy. If a Councilor has a concern about a City policy, it is appropriate to discuss the concern with the City Administrator.
6. During public meetings, Councilors should not attempt to significantly edit or rewrite prepared ordinances or resolutions because of potential impact on other issues. If amendments are necessary, the Council may direct staff to amend and reintroduce the ordinance or resolution. It is appropriate to contact the City Administrator with concerns.

### **C. Conflict of Interest**

1. Generally, conflicts of interest arise in situations where a Councilor has an actual or potential conflict of 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 Councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that “could” be to the private financial benefit of the Councilor, a relative, or business with which the Councilor is associated. A relative is defined as the spouse, children, parents, or siblings of the public official and the spouses of those relatives and/or those residing with the public official. A Councilor 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 and abstain from voting on the issue. The Councilor’s statement of conflict of interest and actions taken will be recorded in the minutes.
2. Councilors may obtain advice on conflicts of interest from the Oregon Government Ethics Commission. The official guidebook of the commission is also considered official advice. The City Attorney may help to clarify a potential or actual conflict of interest for a Council member. A written legal opinion or advice may be sought through the City Administrator or if the City Attorney is present at a council meeting. The attorney advice for the Council member shall be recorded in the minutes of the meeting.

### **D. Ethics**

Councilors are advised to be familiar with Oregon ethics laws, ORS Chapter 244.

### **E. Legal Advice**

Requests to the City Attorney for advice requiring legal research will not be made by a Councilor except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Administrator to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Administrator. Exceptions to this are issues related to the performance of the City Administrator and unique and sensitive personnel, but City-related requests. The City Attorney will in either case provide any written response to the full Council and City Administrator.

## **F. Communication with Staff**

1. The City Staff is under the direction of the City Administrator who functions on behalf of the Council as the City's administrative officer.
2. Nevertheless, in the course of City business, Council and Staff will have communication with one another. All such communication should be conducted in a spirit of mutual cooperation and support.
3. Councilors may not attempt to influence or coerce the City Administrator or a Department Head concerning, personnel, purchasing, awarding contracts, selection of consultants, processing of development applications, or the granting of City licenses or permits.
4. All formal inquires and requests for information from staff should be addressed to the City Administrator or his/her designee and allow sufficient time for response. All written information given to one Councilor will be distributed to all Councilors. The purpose is for all councilors to have access to the same information. Discussions, opinions, and deliberations are to be held in open public meetings.
5. Limiting individual contacts with City officers and employees so as not to influence staff decisions and recommendations, to interfere with their work performance, to undermine the authority of supervisors, or to prevent the full Council from having benefit of any information received, is advised.
6. Respect the roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff will have the same respect for the roles and responsibilities of Council members.

## **G. Confidentiality**

The Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure 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, or the City Attorney.

1. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether relating to property acquisition or disposal, pending or likely claims or litigation, or employee negotiations, all contact with other parties will be made by designated staff or representatives handling the negotiations or litigation. Council Members will not have any contact or discussion with any other party or its representatives nor communicate any executive session discussion.
2. All public statements, information, or press releases relating to a confidential matter will be handled by the City Administrator's office or a designated Council Member.
3. The Council may censure a member who discloses a confidential matter.

## **H. Expenses and Reimbursement**

Council Members will follow the same rules and procedures for travel and accommodations as those that apply to City employees, as established by City policy. Councilor expenditures for other than routine reimbursable expenses (e.g. conference registration, travel, etc.) may require advanced Council approval according to the purchasing rules which apply City wide.

1. Council Members who will be traveling on City business may make his or her own reservations for travel and lodging in accordance with City policy. Upon

request of the City Administrator, travel accommodations will be made by staff.

2. The City does not reimburse Council members for expenses incurred by their spouses. (Oregon Government Standards and Practices Advisory Opinion 93A-1007)

### **I. City E-mail**

Council Members should use the City e-mail provided to them to conduct City business. This e-mail meets the requirements for Oregon Public Records retention laws. Most e-mails between Council members or with staff are considered public record. Care should be taken to avoid engaging in communications that would be construed as a public meeting. Communications between the City Attorney and the Council, City Administrator, and/or City Staff are not public records and are not subject to public disclosure under Attorney-Client privilege.

The Attorney General has opined that "*Communications between or among a quorum of members of a governing body convening on electronically linked personal computers are subject to the Public Meetings Law, if, the communications constitute a decision or deliberation toward a decision for which a quorum is required or a gathering of information on which to deliberate.*" Public Records and Meetings Manual, p. 118 (2008)

### **J. BIAS AND DISQUALIFICATION (Land Use)**

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by the 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 he/she 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. Should the Council require a legal opinion on the challenge of bias of one of its members, the City Attorney's written legal opinion shall be provided to the full Council and relied upon to accept or deny such challenge. The written legal opinion will be incorporated into the record of the public hearing unless it is deemed confidential under attorney client privilege. A Council member who has been disqualified

from participating in a decision may participate in the proceeding as a private citizen.

#### **K. EX PARTE CONTACTS AND DISQUALIFICATIONS (Land Use)**

1. For quasi-judicial hearings, Council members should refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts are those contacts by a party in relation to a fact or an issue and 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 he/she 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 and incorporated into the record of the Public Hearing.

#### **IX. Standing Committees/Commissions/Boards.**

1. The Budget Committee, required by state law, will be a standing committee. It will be subject to Local Budget Law, ORS 294.311-294.565.
2. The Planning Commission, required by state law, will be a standing commission.
3. The Library Board, required by state law, will be a standing commission.
4. The Council may appoint and dissolve additional standing committees at its discretion.

#### **X. Ad Hoc and Advisory Committees.**

The Council may establish, appoint and dissolve ad hoc and/or advisory committees as needed.

#### **XI. Amendments and Suspension**

1. Any part of these Council rules may be temporarily suspended by majority vote of the council members in attendance.
2. The Council Rules may be permanently amended at any meeting at which prior notice of the proposed change was provided to each Council member. A majority vote of the Council members present will be required to effect an amendment or addition to these operating procedures.