

GARIBALDI ORDINANCES

ORDINANCE NO. 225

AN ORDINANCE ESTABLISHING RULES OF THE CITY COUNCIL, REPEALING ORDINANCE NO. 1, AND DECLARING AN EMERGENCY.

The City of Garibaldi ordains as follows:

Section 1. COUNCIL MEETINGS.

A. **Regular Council Meetings.** The Council shall hold one regular meeting on the second Monday of each month, except when Council deems it necessary to designate another date due to conflicts. Regular meetings shall be convened in the City Council Chambers at City Hall, and shall be called to order at 7:00 pm for regular city business, and 6:30 pm for formal public hearings.

B. **Executive Sessions.** Executive sessions may be called by the Presiding Officer or any two members of the Council. Only Council members and persons specifically invited by the Council shall be allowed to attend executive sessions, other than those sessions which the Council conducts deliberations with persons designated to carry on labor negotiations. No matter discussed during executive sessions may be disclosed by any person present during such session.

C. **Special Meetings.** Special meetings may be called by the Presiding Officer, by request of any three Council members. Written notice of all special meetings shall be given at least twenty-four hours in advance of the scheduled meetings. Notice shall be given to each Councilor and business office of each local newspaper, radio and television station which has on file a written request for notice of special meetings. Such notices may be delivered by mail, electronic facsimile (FAX), or by personal delivery.

D. **Public Attendance.** All regular and special meetings shall be open to the public.

Section 2. PRESIDING OFFICER.

A. **Mayor.** The Mayor shall preside at all regular and special meetings, and executive sessions 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 position as presiding officer.

B. **Council President.** At the first meeting of the new year after each general biennial election, the Council shall elect, by majority vote, a Council President from its membership. In the Mayor's absence from any Council meeting, the Council President shall act as the presiding officer. Whenever the Mayor is unable to perform the functions of the office, due to absence, illness or other cause, the Council President shall act as Mayor Pro Tem.

C. Council Vice President. At the first meeting of the new year after each general biennial election, the Council shall also elect, by majority vote, a Council Vice President from its membership. In the event of absence of both Mayor and Council President, the Council Vice President shall act as Mayor Pro Tem.

Section 3. OFFICER AND EMPLOYEE DUTIES

A. City Recorder. The City Recorder shall be the Clerk of the Council, and shall keep minutes of meetings and shall perform other duties within the function of the meetings as ordered by the Presiding Officer or other members of Council.

B. City Attorney. The City Attorney shall either in person or by deputy attend all regular and executive meetings of the Council, and special sessions upon request. Any member of Council may at any time call upon the City Attorney for an informal oral opinion. Written opinions shall be authorized by a majority of the Council. The City Attorney shall be the parliamentarian, and shall advise the Presiding Officer of any questions of order.

C. Chief of Police. The Chief of Police or his deputy shall attend each regular Council meeting, and serve as the Sergeant-at-Arms. For the purpose of retaining order and decorum at the Council meetings, the Sergeant-at-Arms shall carry out all orders or instructions upon the direction of the Presiding Officer, or upon any other procedure specifically provided by these rules.

D. Any member of the City Council may request any employee to attend regular, special or executive meetings to confer with the Council on matters relating to the City.

Section 4. DECORUM AND ORDER.

A. Presiding Officer. The presiding Officer shall preserve decorum and decide all points of order, subject to appeal of the Council.

B. Councilors. Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or Rules of Council. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

C. Staff and Public. Employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.

D. Removal of Any Person. Any person who makes personal, impertinent, slanderous or unauthorized remarks, or who becomes boisterous while addressing the Council or attending a Council meeting shall be removed from the room if the Sergeant-at-Arms is so directed by the Presiding Officer. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule. Upon affirmative vote of the majority of Council, the Sergeant-at-Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed. Such persons may be barred from further audience before the Council and, in aggravated cases, an appropriate complaint shall be issued by the Presiding Officer and the person or persons prosecuted.

E. Censure.

1. The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

2. To exercise such inherent right, the council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Committee of the Whole upon finding that a reasonable ground exists that a substantial violation has occurred.

3. The Committee of the Whole shall investigate the actions in executive session, and present a report to the Council in executive session. Neither the Committee of the Whole, nor the Council or any member thereof shall have the right to make public any information obtained through such investigation.

4. Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and the such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of the Councilors other than the councilor subject to censure proceedings, impose a proper sanction.

Section 5. DUTIES AND PRIVILEGES OF MEMBERS.

A. Code of Ethics. Councilors shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure the impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, gender, social station or economic position.

B. Debate

1. Any Councilor who has the floor shall confine himself or herself to the question under debate, avoid personalities and refrain from impugning the motives of any member argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

2. Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No Councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

3. A Councilor, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case, he or she shall cease speaking immediately until the point is determined. If ruled to be in order, he or she shall be permitted to proceed; if ruled to be out of order he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.

C. Right to Appeal. Any member may appeal to the Council from a ruling of the Presiding Officer, and if the appeal is seconded, the member making the appeal may briefly state his reason for the appeal and the Presiding Officer may briefly explain his ruling but there shall be no debate on the appeal and no other member shall participate in the discussion. The Presiding Officer shall then put the question, "Shall the decision of the chair stand as the decision of the Council?" If the majority of the members vote Yes, the ruling of the chair is sustained; otherwise it is overruled.

D. Dissent and Protest. Any Councilor shall have the right to express dissent for or protest against any Ordinance, Resolution or decision of Council and have the reason therefore, entered upon the Council minutes. Such dissent or protest must be filed in writing, couched in respectful language and presented to Council not later than the next regular meeting following the date of passage or the Ordinance, Resolution or decision objected to.

E. Excusal During the Meeting. No member may leave the Council meeting while in regular session without permission from the Presiding Officer.

F. Personal Privilege. The right of a member to address the council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are assailed, questioned or impugned.

Section 6. ORDER OF BUSINESS AND AGENDA.

A. Order of Business. The business of all regular meetings of the Council shall be transacted as follows; provided, however that when it appears to be in the best interest of the public, the Presiding Officer may change the Order of Business:

1. Public hearings
2. Approval of minutes
3. Public comments and presentations
4. Old business
5. New business
6. Community reports
7. Department head matters
8. Executive session
9. Adjournment

B. Agendas.

1. Staff shall prepare an agenda for every regular, and if requested, for every special Council meeting. Items may be placed on the agenda by any person, but such items shall be presented to the Mayor in writing at least seven days prior to the meeting at which they are to be discussed. Upon approval by the Mayor, or any member of Council, the item shall be placed on the agenda for consideration.

2. Agendas for regular meetings shall be accompanied by a summary of upcoming business, copy of previous month's minutes, financial report for previous month, and any other informational material relevant to such Council meeting. Agenda packets shall be distributed to the Council at least four days prior to the meeting.

3. New business brought before the Council in a meeting may be referred to future Council meetings for consideration or discussion.

C. Additions to Agenda. A request to add an item for council consideration to the Council agenda may be presented at the Council meeting, but shall require a majority concurrence of the members present to be so added.

D. Special Orders of Business. Agenda items that are of special importance to the Council may be treated as Special Orders of Business. Special Orders of Business agenda items take precedence over all other items.

Section 7. CONSIDERATION OF BUSINESS.

A. Quorum. A majority of the Council shall constitute a quorum to do business. A lesser number may meet and adjourn from time to time and compel the attendance of absent members.

B. Voting. Unless otherwise provided by statute, ordinance or resolution, all votes shall be taken by voice, provided that, upon demand by any member of the Council, a roll call vote shall be made upon any question before the Council. No Councilor may explain the reasons for his or her vote during the roll call.

C. Procedure Generally. When the question has been called for the Presiding Officer shall first ask for the Yes votes, followed by the No votes. After a vote has been taken the Presiding Officer shall announce the results of the vote.

D. Voting Required. When a questioned is called, every present member of Council shall vote either Yes or No, except for declared conflicts of interest under applicable law. If any member declines to vote, and the result of such action would create a tie, that member's vote shall be counted as a no.

E. Minimum Votes Required in Certain Situations. The passage of any ordinance shall require the affirmative vote of at least a majority of the whole Council.

F. Tie Vote. In case of a tie in the votes of any proposal, the proposal shall be considered lost.

Section 8. PUBLIC COMMENT.

A. Policy. The Council recognizes that public input into the governmental process is a valuable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or group of citizens who desire to speak before the Council shall have the duty to exercise this right in a manner which furthers the greater public interest.

B. Public Comment Generally. Any member of the general public wishing to address the Council a matter of public concern may do by using so at the time set for public comments during each regular session of the Council. Any member so addressing the Council shall be limited to a period of three minutes within which to make themselves heard. The Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner as it deems appropriate.

C. Persons Sharing Common Concerns. If any group of three or more persons sharing a common viewpoint on any subject wishes to address the Council during the time for public comment, the group shall select a spokesperson, who shall present the views of the group to the Council. The Council, in its sole discretion, may request to hear the views of additional speakers from the group. Additional support for the views of the group, in the form of petitions, letter, videotapes, etc., may be presented to the Council for consideration at the conclusion of the spokesperson's remarks.

D. Roster. All persons or groups wishing to address the Council during the time set for public comments shall, prior to the convening of the meeting, sign the roster provided by the City Recorder, indicating the name of the person, the residence of the person, and the subject of public concern on which the persons or groups wishes to address the Council.

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

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

2. If administrative, and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of staff department heads, the Presiding Officer shall then refer the complaint directly to the affected department head for review, if the complaint has not already been reviewed. The Council may direct the department head to report to the Council when the review has been made.

Section 9. PROCEDURE FOR COUNCIL MEETINGS.

A. Rules of Order. Unless otherwise provided by law or by these rules, the procedure for Council meetings shall be governed by Robert's Rules of Order.

B. Construction of Rules of Order. The Council has an obligation to the citizens to be clear and simple in its procedures and the consideration of the questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose, and 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, and confuse the audience at public meetings and the citizens in general.

C. Convening the Meeting. At the time appointed, the Presiding Officer shall take the chair at the hour scheduled for the Council to meet and shall immediately call the members to order. The Recorder shall enter in the minutes of the meeting the names of the members present.

D. Recognition. Every Councilor desiring to speak shall first address the chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.

E. Requirement of a Second Before Debate. No motion shall be debated until it has been seconded and announced by the Presiding Officer.

F. Motions Reduced to Writing. Any Councilor may request that a motion be reduced to writing and read by the City Recorder.

G. Council Questions to Staff. Every Councilor desiring to question the administrative staff shall address his or her question to the Mayor, who shall be entitled to either answer the inquiries or designate a staff member for that purpose.

H. Citizen Participation. Citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof.

I. Precedence of Motions. When a question is before the Council, no motion shall be entertained except:

1. to abide by the rules
2. to adjourn
3. to lay on the table
4. for the previous question
5. to postpone to a certain date
6. to refer
7. to amend
8. to postpone indefinitely

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend, shall be put to a vote without debate.

J. Motions to be Stated by Presiding Officer/Withdrawal. When a motion is made and seconded, it shall be stated by the originator or the Presiding Officer before debate. A motion may not be withdrawn without the consent of the member seconding it.

K. Motion to Adjourn - When Not in Order - When Not Debatable. A motion to adjourn will be in order at any time except as follows:

1. when made as an interruption of a member while speaking
2. when the previous question has been ordered
3. while a vote is being taken

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

L. Motion to Lay on the Table. A motion to lay on the table shall preclude all amendments or debate on the subject under consideration. If the motion shall prevail, consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two-thirds of the members present.

M. Division of Question. The Presiding Officer may, upon request of the members shall, divide a question which contains two or more divisionable propositions.

N. Motion to Postpone. All motions to postpone, except to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared defeated.

O. Suspension of Rules. No rule shall be suspended except by the vote of the majority of Councilors present at the meeting. A motion to suspend a rule is not debatable.

P. Adjourned Meetings. Upon motion and majority vote of Council members present, any meeting of the Council may be continued or adjourned from day to day, or for more than one day, provided that no adjournment shall be for a period longer than until the next regular meeting thereafter.

Section 10. COMMISSIONS AND LAY-COMMITTEES.

A. **Commissions, and Lay-Committees.** Unless otherwise provided by statute, ordinance or resolution, the following shall be the procedure for the creation of and appointments to all city commissions, and lay-committees:

1. **Creation and Dissolution.** At any time, the Council may by ordinance or resolution establish any city commission or lay-committee deemed necessary and in the best interest of the City. Any committee so created may contain one or more Councilors as members. Time of dissolution shall be set at the discretion of the Council.

2. **Qualifications.** All appointees to commissions and lay-committees shall be registered electors, and shall have resided in the City of Garibaldi for a period of one year. No appointee may serve on more than two commissions and/or committees at the same time.

3. **Term.** The term for appointments shall be as follows:

Planning Commission	4 years
Commissioner for City Department	2 years (coinciding with mayoral term)
Budget Committee (freeholders)	3 years
All other commissions and committees	3 years

4. **Vacancies.** Any qualified citizen may submit a letter of interest for any open position on commission or committee. Notice of vacancy shall be locally posted and advertised through the press and media. Letters of interest shall be received only during the time set forth in the notice.

5. **Nomination and Confirmation.** Nominations for positions on commissions and committees may be made by the Mayor, or by any two Councilors, and shall be subject to confirmation by the Council. Confirmation may be made by written ballot, and shall require a majority vote.

The Mayor shall appoint departmental commissioners at the beginning of his or her term of office.

All lay members of commissions and committees serve at the pleasure of the Council, and may be removed at any time, for any reason, upon motion and vote by majority of Council.

B. **Departmental Commissioners.** The Mayor shall appoint each City Councilor as Commissioner to each of the departments of the City. The departments include Fire, Police, Public Works and Planning & Building. The Mayor shall maintain as liaison for the Recorder department.

1. **Liaison.** Commissioners shall serve as liaisons between the department heads and the Council, and work to understand the functions of that department.

2. **Guidance and Support.** Each Commissioner shall, as needed, support and assist the department head regarding implementation and fulfillment of Council authorized policies, and be available for consultation with and reports from the department head. The Commissioner shall introduce any department head sponsored legislation to the Council.

3. **Evaluations.** The Commissioner shall conduct an employee evaluation of the department head's job performance, in accordance with the City's personnel policy, and shall be ratified by the full Council.

4. **Hiring.** The City Council shall be involved in the selection process of all department heads. Departmental Commissioners shall assist department heads in the selection process of new employees. Upon final recommendation from the department head, Council shall take action to ratify that recommendation.

5. **Citizen Complaint, Commendations, Other Responsibilities.** Commissioners shall assist in citizen complaints and commendations of city employees, and make report to the full Council. Commissioners may receive other responsibilities as necessary or as directed by Council.

C. **Committee of the Whole.** There shall be one standing committee of the Council, which shall be known as the Committee of the Whole. This committee shall sit as a body for investigation or study, as needed. The committee shall not take any official action while in committee, but shall make findings, which shall be the basis of further Council action.

Section 11. MISCELLANEOUS.

A. **Amendments to Council Rules.** Amendments to these rules shall be made by ordinance.

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

Section 12. SAVING PROVISION.

If any section, sentence or any other part of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining part thereof.

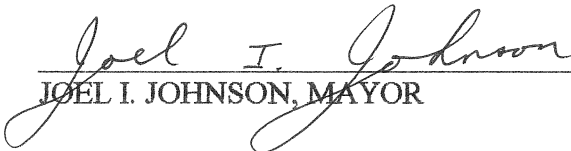
Section 13. REPEALED ORDINANCES.

Ordinance No. 1 is hereby repealed and any other ordinance or resolution which is inconsistent with this ordinance is hereby repealed, to the extent of such inconsistency.

Section 14. Emergency Clause.

The Garibaldi City Council deems an emergency to exist, and this ordinance shall take effect immediately.

Passed by the Garibaldi City Council and approved by the Mayor the 12th day of November, 1996.



 JOEL I. JOHNSON, MAYOR

ATTEST:



 SAUNDRA L. JONES, CITY RECORDER