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**GARIBALDI CITY COUNCIL WORKSESSION (Garibaldi Community Hall, 107 6<sup>th</sup> St., Garibaldi, Oregon)**

**MONDAY, AUGUST 25, 2025: 5:30 PM**

- A. COUNCIL RULES WORKSESSION** – Worksession participation is reserved to Council members and staff only, though members of the public are invited to attend and observe. Any person wishing to attend remotely should contact the City Manager.

## **Addressing Disorder: Ways to Respond**

<b>When a council member says...</b>	<b>The presider can say...</b>
Point of order!	State your point.
<i>[If a council member can't express clearly what the point of order is...]</i>	What rule has been broken?
Request for information or <i>point of information</i> .	State your question.
<i>[If a council member then rambles on...]</i>	What information does the member need to decide how to vote?
Question or I call the question or previous question.	Is there a second to the call for the question?
I withdraw my motion.	Is there any objection if the member withdraws the motion?
<b>If someone says...</b>	<b>The presider can say...</b>
I'm sick of all the bleeding-heart liberals.	Courtesy is required at all times in our council meetings.
You're a jerk.	The rules of our council forbid the use of insults or personal attacks.
You only want to do that because you're in love with him.	Under Robert's Rules of Order it is never in order to speak about the motives of other members.
All those flying bums are lazy and don't pull their weight.	Our council code of procedure requires that we respect all the stakeholders in our community.
He's a liar! <i>[or if a member uses words like "fraud" or "embezzlement" or "baloney"...]</i>	Inflammatory remarks are not allowed at our meetings. The speaker will phrase his comment in a neutral manner.
!@*@*!	Profanity is not allowed at our meetings. The speaker will kindly refrain from these improper expressions.
I think that our clerk/treasurer is on the take.	Members/citizens must refrain from making accusations of this type during a meetings, and will kindly follow our established personnel policies for dealing with concerns about possible criminal behavior.
<b>If someone says...</b>	<b>The presider can say...</b>
Hiss hiss or hooray hooray!	Attendees will refrain from improper expressions of sentiment.
We demand the right to speak before you vote on each motion!	Under common parliamentary law and Robert's Rules of Order, city councils have the right to determine rules for the orderly conduct of their business. We welcome citizen input during the "public comment period."
<b>If disorder continues to breaks out...</b>	<b>The presider can say,</b> This meeting is hereby adjourned.

Taken from Macfarlane, A.G, Estep, A.L., *Mastering Council Meetings: A Guidebook for Elected Officials and Local Governments*. 1<sup>st</sup> ed., Jurassic Parliament, 2013.

### **Seven Basic Rules for Discussion**

1. All members have an equal right to speak and make motions.
2. Nonmembers do not have the right to speak or to make motions.
3. One subject is discussed at a time.
4. One person speaks at a time.
5. No interrupting.
6. Courtesy and respect are required at all times.
7. No one may speak a second time until everyone who wishes to do so has spoken once.

Taken from Macfarlane, A.G, Estep, A.L., *Mastering Council Meetings: A Guidebook for Elected Officials and Local Governments*. 1<sup>st</sup> ed., Jurassic Parliament, 2013.

## **1992 CITY OF GARIBALDI, OREGON CHARTER**

### **PREAMBLE**

We, the people of Garibaldi, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the Constitutions and laws of the United States and the State of Oregon, through this charter confer upon the city the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous charter provisions of the city.

## **Chapter I NAMES AND BOUNDARIES**

**Section 1.** Title of Charter. This Charter may be referred to as the 1992 City of Garibaldi Charter.

**Section 2.** Name of City. The City of Garibaldi, Oregon, continues under this charter to be a municipal corporation with the name City of Garibaldi.

**Section 3.** Boundaries. The city includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the city's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the city during regular city office hours.

## **Chapter II POWERS**

**Section 4.** Powers of the City. The city has all powers that the Constitution, statutes, and common law of the United States and this state now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

**Section 5.** Construction of Powers. In this charter, no specification of a power is exclusive or restricts authority that the city would have if the power were not specified. The charter shall be liberally construed that the city may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

**Section 6.** Distribution of Powers. Except as this charter prescribes otherwise and as the Oregon Constitution reserves municipal legislative power to the voters of the city, all powers of the city are vested in the council.

## Chapter III

### FORM OF GOVERNMENT

**Section 7. Council.** The council consists of a mayor and four councilors nominated and elected from the city at large or, in case of one or more vacancies in the council, the council members whose offices are not vacant.

**Section 8. Councilors.** The term of office of a councilor in office when this charter is adopted is the term of office for which the councilor has been elected before adoption of the charter (or is elected at the time of the adoption). At each general election after the adoption, two councilors shall be elected, each for a four-year term.

**Section 9. Mayor.** The term of office of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after that time. At each subsequent general election, a mayor shall be elected for a two-year term.

**Section 10. Terms of Office.** The term of office of an elective officer who is elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

**Section 11. Appointive Offices.** A majority of the council may:

[1] Create, abolish, and combine appointive city offices,

[2] Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal, and/or

[3] By ordinance, affirm the rights of any city personnel to participate in political activities, and may limit those activities to the extent necessary for orderly and effective operation of the city government.

## Chapter IV COUNCIL

**Section 12. Rules.** The council shall, by ordinance, prescribe rules to govern its meetings and proceedings.

**Section 13. Meetings.** The council shall meet in the city regularly at least once a month at a time and place designated by council's rules, and may meet at other times in accordance with the rules.

**Section 14. Quorum.** A majority of the council constitutes a quorum for its business.

**Section 15. Record of Proceedings.** An accurate and comprehensive record of council proceedings shall be kept and authenticated in a book provided for that purpose.

**Section 16. Mayor's Functions at Council Meetings.**

[1] When present at council meetings the mayor shall:

- (a) Preside over deliberations of the council,
- (b) Preserve order,
- (c) Enforce council rules, and
- (d) Determine the order of business under the rules.

[2] The mayor is a voting member of the council.

**Section 17. Council President and Vice President.**

[1] At its first meeting after this charter takes effect and at its first meeting of each year, the council shall appoint a president and vice president from its councilors.

[2] Except in voting on questions before the council the president shall function as mayor when the mayor is:

- (a) Absent from a council meeting, or
- (b) Unable to function as mayor.

[3] The vice president shall function as mayor when the mayor and council president are:

- (a) Absent from a council meeting, or

- (b) Unable to function as mayor.

**Section 18. Vote Required.** Except as otherwise provided in this charter, the express concurrence of majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the council.

**Section 19. Vacancies – Occurrence.** The office of a member of the council becomes vacant:

[1] Upon the incumbent's:

- (a) Death,
- (b) Adjudicated incompetence, or
- (c) Recall from the office; or

[2] Upon declaration by the council of the vacancy in case of the incumbent's:

- (a) Failure, following election or appointment to the office, to qualify for the office within 10 days after the time for his or her term of office to begin,
- (b) Absence from the city for 30 days without the council's consent or from all meetings of the council within 60 days,
- (c) Ceasing to reside in the city,
- (d) Ceasing to be a qualified elector under state law,
- (e) Conviction of a felony punishable by loss of liberty,
- (f) Resignation from the office.

**Section 20. Vacancies – Filling.** The office of a member of the council becomes vacant:

[1] A vacancy in the council shall be filled by appointment by a majority of the council. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant.

[2] During a council member's disability to serve on the council or during a member's absence from the city, a majority of the other council members may, by appointment, fill the vacancy pro tem.



## **Chapter V**

### **POWERS AND DUTIES OF OFFICERS**

**Section 21.** Mayor. The mayor shall:

- [1] Appoint the committees and department commissioners provided under the rules of the council,
- [2] Sign all approved records and proceedings of the council,
- [3] Sign all ordinances passed by the council,
- [4] Have no veto power, and
- [5] Upon approval of the council, endorse all bonds of officers of the city and for licenses, contracts and proposals.

**Section 22.** Municipal Court and Judge.

- [1] If the council creates the office of municipal judge and fills it by appointment, the appointee shall hold, within the city at a place and time that the council specifies, a court known as the Municipal Court for the City of Garibaldi, Tillamook County, Oregon.
- [2] Except as this charter or city ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.
- [3] All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.
- [4] The municipal court has original jurisdiction over every offense that an ordinance of the city makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.
- [5] The municipal judge may:
  - (a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;
  - (b) Order the arrest of anyone accused of an offense against the city;
  - (c) Commit to jail or admit to bail anyone accused of such an offense;

- (d) Issue and compel obedience to subpoenas;
- (e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;
- (f) Penalize contempt of court;
- (g) Issue process necessary to effectuate judgments and orders of the court;
- (h) Issue search warrants; and
- (i) Perform other judicial and quasi-judicial functions prescribed by ordinance.

[6] The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.

[7] Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

**Section 23. Recorder.** The recorder shall serve as an ex officio clerk to the council, attend all its meetings unless excused therefrom by the council, keep an accurate record of its proceedings in a book provided for that purpose, and sign all orders on the treasury. Upon the recorder's absence from a council meeting, the council shall appoint a clerk of the council pro tem, who, while acting in the capacity, shall have all the authority and duties of the recorder.

**Section 24. City Manager.**

[1] The office of City Manager is established as the administrative head of the city government. The City Manager is responsible to the mayor and council for the proper administration of all city business. The City Manager will assist the mayor and council in the development of city policies and will carry out policies established by ordinances and resolutions.

[2] A majority of the council shall appoint and may remove the Manager. The appointment shall be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

[3] The Manager need not reside in the city.

[4] The Manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council shall fill the office by appointment as soon as practicable after the vacancy occurs.

[5] The Manager shall:

- (a) Attend all council meetings unless excused by the mayor or council;
- (b) Make reports and recommendations to the mayor and council about the needs of the city;
- (c) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (d) Appoint, supervise and remove city employees;
- (e) Organize city departments and administrative structure;
- (f) Prepare and administer the annual city budget;
- (g) Administer city utilities and property;
- (h) Encourage and support regional and intergovernmental cooperation;
- (i) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;
- (j) Perform other duties as directed by the council; and
- (k) Delegate duties, but remain responsible for acts of all subordinates.

[6] The Manager has no authority over the council, the city attorney, or the judicial functions of the municipal judge.

[7] The Manager and other employees designated by the council may sit at council meetings but have no vote. The Manager may take part in all council discussions.

[8] When the Manager is temporarily unable to act as Manager or when the office of Manager becomes vacant, the council shall appoint a Manager pro tem. The Manager pro tem has the authority and duties of Manager, except that a pro tem Manager may appoint or remove employees only with council approval.

[9] No council member shall directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the supervision, appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal of a council member from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the Manager relating to city business. (Added at November 2, 2010, election)

## **Chapter VI ELECTED OFFICERS**

### **Section 25. Qualifications.**

[1] An elective city officer shall be a qualified elector under the state constitution and shall have resided in the city during the 12 months immediately before filing a petition for elective office, or appointed to the office by the council. In this subsection, "city" means area inside the city limits at the time of the election or appointment.

[2] No person may be a candidate at a single election for more than one elective city office.

[3] An elective officer may be employed in a city position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court, or in some other manner, whichever the council prescribes.

[4] Except as subsection 3 of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.

[5] The qualifications of appointive officers of the city are whatever the council prescribes or authorizes.

**Section 26. Compensation.** No council member shall receive compensation for holding an elected office. Council members may be reimbursed for expenses that they incur in serving the city.

**Section 27. Oath.** Before assuming city office, an officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the Constitution and laws of the United States and of the State of Oregon.

## Chapter VII ELECTIONS

**Section 28.** State Law. Except as this charter or a city ordinance prescribes to the contrary, a city election shall conform to state law applicable to the election.

**Section 29.** Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the city.

## Chapter VIII ORDINANCES

**Section 30.** Ordaining Clause. The ordaining clause of an ordinance shall be "The City of Garibaldi ordains as follows:"

**Section 31.** Adoption by Council. An ordinance may be adopted by any one of the following procedures:

[1] By reading a proposed ordinance fully and distinctly in an open council meeting on two different days before adoptions;

[2] By reading a proposed ordinance fully and distinctly one time and a second time by title only at a single meeting upon the expressed unanimous vote of all council members present; or,

[3] Any reading of a proposed ordinance may be by title only if:

(a) No council member present at the reading requests that the proposed ordinance be read in full, and

(b) At least one week before the reading:

(i) A copy of the proposed ordinance is provided for each council member,

(ii) Three copies of the proposed ordinance are available for public inspection in the office of the city recorder, and

(iii) Notice of the availability of copies of the proposed ordinance is given by written notice posted at the city hall and two other public places in the city.

[4] A proposed ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading, unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.

[5] Upon the adoption of an ordinance, the ayes and nays of the council members shall be entered in the record of council proceedings.

[6] After adoption of an ordinance, the city recorder shall endorse it with its date of adoption and the endorser's name and title of office, and seal the original with the City of Garibaldi seal.

**Section 32. Effective Date.** A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

## **Chapter IX PUBLIC IMPROVEMENTS**

**Section 33. Procedure.**

[1] The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by applicable state law. Proposed action on a public improvement that is not declared by two-thirds of the council present to be needed at once because of an emergency shall be suspended for six months upon remonstrance by owners of land to be specially assessed for the improvement. The number of owners necessary to suspend the action shall be prescribed by general ordinance. A second such remonstrance suspends the action only with the consent of the council.

[2] In this section "owner" means the record holder of legal title or, as to land being purchased under a land sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

**Section 34. Special Assessments.** The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

**Section 35. Condemnation.** Any necessity of taking property for the city by condemnation shall be determined by the council and declared by a resolution of the council describing the property and stating the uses to which it is to be devoted.

## **Chapter X MISCELLANEOUS PROVISIONS**

**Section 36. Continuation of Ordinances.** Insofar as consistent with this charter, and until amended or repealed, all ordinances in force when the charter takes effect retain the effect they have at that time.

**Section 37. Repeal.** All charter provisions adopted before this charter takes effect are hereby repealed.

**Section 38.** Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between two parts requires.

**Section 39.** Time of Effect. This charter takes effect thirty days after passage by the people of Garibaldi.

Passed by vote of the people May 19, 1992.

## **Chapter 2.05 CITY COUNCIL**

Sections:

[2.05.010 Council meetings.](#)

[2.05.020 Presiding officer.](#)

[2.05.030 Officer and employee duties.](#)

[2.05.040 Decorum and order.](#)

[2.05.050 Duties and privileges of members.](#)

[2.05.060 Order of business and agenda.](#)

[2.05.070 Consideration of business.](#)

[2.05.080 Public comment.](#)

[2.05.090 Procedure for council meetings.](#)

[2.05.100 Commissions and lay-committees.](#)

[2.05.110 Miscellaneous.](#)

### **2.05.010 Council meetings.**

A. Regular Council Meetings. The council shall hold one regular meeting each month on a day designated by the city council. Regular meetings shall be convened in the City Council Chambers at City Hall, and shall be called to order at 7:00 p.m. for regular city business, and 6:30 p.m. for formal public hearings, unless otherwise determined by the mayor and/or council.

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, or by request of any three council members. Written notice of all special meetings shall be given at least 24 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. [Ord. 286 § 1, 2005; Ord. 236A § 1, 1999; Ord. 225 § 1, 1996.]

#### **2.05.020 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. [Ord. 225 § 2, 1996.]

#### **2.05.030 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, upon request by either the mayor, a member of the council, or the administrator, shall either in person or by deputy attend all regular, special and executive council meetings. The mayor or administrator 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. [Ord. 308 § 1, 2008; Ord. 225 § 3, 1996.]

#### **2.05.040 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 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. [Ord. 225 § 4, 1996.]

#### **2.05.050 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 ensure 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 therefor 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 of 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. [Ord. 225 § 5, 1996.]

#### **2.05.060 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. Consent calendar;
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.

E. Consent Calendar.

1. The purpose of the consent calendar is to expedite regular council meetings by grouping routine or uncontested items of business so that they may be approved by one motion. The consent calendar may include any or all of the items on the regular agenda. The mayor and administrator shall develop the consent calendar during agenda setting. The council by consensus may add any item of business on the regular agenda to the consent calendar. Any councilor may remove any item from the proposed consent calendar for consideration during old business. Revisions or corrections to meeting minutes shall be considered first, prior to other items removed from the calendar. Questions of staff may be requested by the council prior to voting on and without removing these items from the consent calendar. The remaining items on the consent calendar may then be considered for action by a single vote. A vote in favor of or opposed to the consent calendar is considered to be a vote on each of the individual action items.

2. Consent calendars containing the adoption of an ordinance shall have the ordinance title read prior to making a motion to approve pursuant to the criteria of the Garibaldi City Charter, Chapter VIII, Section 30. If a consent calendar is not approved unanimously, any ordinance adoption must be removed and the item added to old business. [Ord. 298 §§ 1, 2, 2007; Ord. 225 § 6, 1996.]

#### **2.05.070 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. [Ord. 225 § 7, 1996.]

#### **2.05.080 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 that furthers the greater public interest.

B. Public Comment Generally. Any member of the general public wishing to address the council on a matter of public concern may do so at the time set for public 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. [Ord. 225 § 8, 1996.]

#### **2.05.090 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 that 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. [Ord. 225 § 9, 1996.]

### **2.05.100 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	2 years
department	(coinciding with mayoral term)
Budget committee	3 years
(freeholders)	
All other commissions	3 years
and committees	

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 and 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. Roles and Responsibilities. Liaisons to the department heads shall develop a relationship with department heads that keeps the council abreast of the department and aware of issues that would come before the council. Liaisons and department heads may discuss needs of the department, future plans, current projects and other items that impact the relationship of the department to the council. Employment-related matters are not part of the liaison role.

3. *Repealed by Ord. 315.*

4. *Repealed by Ord. 315.*

5. *Repealed by Ord. 315.*

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.

D. Ad Hoc Committees. Upon motion, the council may create an ad hoc committee. Members of an ad hoc committee may be nonresidents of the city. [Ord. 315 § 2, 2010; Ord. 237 § 1, 1999; Ord. 225 § 10, 1996.]

#### **2.05.110 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. [Ord. 225 § 11, 1996.]