

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
APRIL 5, 1999**

The work session began at 5:30 p.m. in the Public Safety Building Community Meeting Room.

Present: Mayor Tomei and Councilors Kappa, King, Lancaster, and Marshall.

Staff present: City Manager Bartlett; Assistant City Managers Bennett and Richards; Public Works Director Brink; City Attorney Coleman; and Consultant Peg Caliendo.

Information Sharing

1. Councilor King

- *Community Links* publication on community solutions and neighborhoods involvement;
- She has been encouraging citizens to leave questions and concerns on Council voice mail, so she reminded others to check their voice mail regularly;
- Johnson Creek Watershed Committee meeting next week; and
- Festival Daze talent show.

2. Councilor Kappa

- He asked if there was anything Council wanted addressed on the upcoming Regional Water Purveyors meeting agenda. He agreed to provide the rest of the Council with a one-page synopsis of the group's activities.
- Recommended that Metropolitan Policy Advisory Committee's (MPAC) improve community involvement and form better partnerships with cities to by establishing a subcommittee made up of local planning commission members.

3. Councilor Marshall

- Attended the Riverfront Board meeting with Crandall in which the groundwork was laid and recent history of the previous committee was discussed. The Board is a very dynamic group, and the Council needs to be conscious of not holding it back. He generally had a positive feeling about the meeting.
- The North Clackamas Parks and Recreation District (NCPRD) is beginning its budget meetings. The District is behind in what it would like to have, and there is a move to increase user fees to make up for some of the budgetary gaps.

4. **Councilor Lancaster**

- He asked if the Milwaukie City Council was going to consider the resolution presented by Metro Councilor Atherton regarding repeal of ORS 197.296. He understood the resolution supported moving the issue from committee to the floor. He understood the issue was mandating that land be set aside without discussing how infrastructure would be funded.

Bartlett had checked with the City of Lake Oswego and found the Council had neither formally considered the resolution nor had a presentation.

Councilor Kappa said Atherton's resolution had to do with the 20-year land supply for residential, not commercial or industrial land.

The group discussed getting more information from both sides including the Homebuilders' Association that was opposed the Atherton's proposal.

Bartlett indicated the amendment has to do with Metro's Urban Growth Boundary (UGB) and is more of an issue for outlying cities such as Happy Valley, Oregon City, and Lake Oswego.

Councilor Lancaster said the other big issue was pressure to densify with the artificially imposed boundary. The resolution Atherton asked Council to consider only supported bringing the bill back on the floor.

Bartlett said he would have pro and con information ready for the next work session.

- He asked what the determination had been on Richard Cayo's letter offering to loan his planes to start an aircraft museum. Council had recommended Cayo contact the Riverfront Board.
 - Discussed information as a strategic asset.
5. The group discussed who would attend the League of Oregon Cities Legislative Conference on April 20, 1999.
 6. The group agreed to hold the executive session initially scheduled for 6:00 p.m. on April 6, 1999, after this work session.

Joint Policy Advisory Committee on Transportation (JPACT) Representative Karl Rohde

Rohde, JPACT representative and Lake Oswego Councilor, outlined of his position on transportation issues. The purpose of his meeting with the Milwaukie City Council was to have a broad-ranging conversation about transportation and how it relates to the City.

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His discussion points were:

- Commuter rail
- Boulevards
- Transit service
- Maintenance and modernization needs
- Annexation
- Funding
- Peak hour level of service
- Bicycle and pedestrian connections

Rohde indicated that commuter rail was gaining regional interest due to the failure of South/North light rail. The proposed service would begin in McMinnville and potentially continue through Milwaukie to Portland's Union Station.

Councilor Kappa said his wife uses light rail on a daily basis and advocates its use. He felt it was important to look not only at commuter rail, but also other modes of transportation and consider peak hour levels of service.

Rohde discussed European rail systems, safety issues, and temporal displacement of freight and commuter uses. It would be conceivable that commuter rail could carry light freight such as mail.

Councilor Marshall believed that the region needed to look at a multimodal package of transportation options that included road infrastructure and light and commuter rail instead of forcing voters to make a decision on one issue.

Rohde said road investments have to do with issues of modernization and maintenance. He felt a lot could be accomplished by improving safety and flow through intersections. In the area of peak hour levels, there is an opinion in the region that roads should not be designed to accommodate rush hours only to remain virtually empty the rest of the time.

Councilor Marshall commented that he saw traffic increases during all times of the day. The region needs light rail, but one mode should not be sold as the panacea.

Mayor Tomei felt strongly that land should not be paved to add more traffic lanes and further encourage the use of cars.

Councilor Lancaster said the issue is balancing the modes. People are led by their pocketbooks, and there are options that have not been pursued. One option might be for employers to stagger work hours to relieve peak hour volumes. He also wanted to see an end to the Tri-Met monopoly.

Councilor King felt particular attention paid to neighborhood impacts and livability before more concrete is poured. She suggested developing a disincentive for through traffic using neighborhood streets.

Mayor Tomei urged Rohde to press for a boulevard treatment on McLoughlin Boulevard.

Councilor Kappa felt Metro and JPACT needed to increase contact with neighborhoods and Community Planning Organizations (CPO) to find a commonality.

M. Bennett pointed out that two projects, McLoughlin Boulevard treatment and Johnson Creek Boulevard reconstruction between 36th and 45th Avenues, were on the 150% cut list. She felt reasonably solid with McLoughlin Boulevard remaining on the list. Staff had prepared a letter to JPACT for the Mayor's signature addressing the petition Hatlelid and Cayo recently submitted to the City of Milwaukie and Metro opposing the Johnson Creek Boulevard Project Phase 3 improvements. The Mayor's letter detailed the importance of these improvements.

Staff has been contacting those who signed the petition to answer questions and to determine if the signers were adequately informed. Staff believes the design is neighborhood friendly and protects livability by keeping the travel and bike lanes narrow and installing sidewalks on only one side of the street. The narrow lanes will serve as a traffic calming device, and the residents will benefit by having bike lanes and sidewalks.

Brink discussed the history of the project beginning with Phase 1 in 1996 and Phase 2 which is currently underway. Phase 3 is street improvements from 36th Avenue to the bridge which will complete the entire project that began about ten years ago.

In speaking with 22 of the 42 property owners signing the petition, staff noted one of the most frequently made comments was that the road should have been built in the gulch. **Brink** reminded property owners that this was the final phase of a project that was begun ten years ago.

Other residents did not see the need for bike lanes because no one uses Johnson Creek Boulevard now. New bike lanes would provide a safe connection to the Springwater Corridor. The few cyclists using the current bike lane does not necessarily indicate a lack of interest.

Councilor Marshall commented the bike lanes were likely needed for funding purposes.

M. Bennett agreed the project would be less attractive and fundable without the sidewalk and bike lanes, and **Bartlett** added JPACT would not recommend funding.

Brink said property owners were also concerned with noise and fence replacement, but these are code and engineering issues that can be addressed.

Brink indicated the property impacts on a map. Some property owners, mostly on the south side of the street, will be asked to sell up to 21 feet of their property. The road needs to be moved from the cliff on the north side because of stability issues. After the gulch area, a four-foot right-of-way will be purchased for sidewalks. The primary issues were the slope and taking advantage of the existing pavement. He pointed out to the property owners that the tires would still be the same distance away because of the bike lane and sidewalk.

Brink added that people were supportive of improved drainage, sidewalk, and bike lane. It was his understanding that property owners would be interested if they felt they would be fairly compensated. Residents also want to be sure their landscaping and fences are replaced. He discussed right-of-way purchase for future sidewalks.

The group discussed traffic signals, and **Brink** indicated the only signal would likely be at 32nd Avenue.

Other issues included parking and traffic management. The only parking alternatives people will have are the driveway or the nearest side street. Narrow streets and bike lanes are two types of passive calming devices that will likely slow traffic on Johnson Creek Blvd. Staff recommended building the street as designed and then determine if additional traffic calming devices are needed.

Councilor Kappa asked if anything could be done to facilitate people backing out of their driveways. **Brink** responded that the bike lane and sidewalk provided some measure of safety. He believed that, with the existing restraints, the project designers had made the best choices.

Councilor Marshall asked if people understood landscaping would be replaced by the project.

Bartlett said those with special landscaping will have it replaced in kind, and the property owners will have the opportunity to tell the project how much they believe it will cost.

Councilor Marshall related this to Councilor King's comments about livability and putting things back the same or better than they were found.

Bartlett discussed the earlier SE Corridor Study. The decision not to put the road in the gully was probably a good one based on current environmental concerns. He discussed taking over County roads that have been brought up to urban standards.

It was consensus to authorize the Mayor to sign the letter to John Kvistad, Joint Policy Advisory Committee on Transportation Chair, supporting the Johnson Creek Boulevard Phase 3 Project.

Rohde discussed project funding priorities.

Councilor Marshall was in favor a major transportation funding package that would address multimodal needs. He did not feel annexation was a major issue at this time.

Bartlett added that the City worked with the County to develop a Transportation System Plan (TSP) that took Milwaukie's full service area into consideration.

Rohde was interested in a tax-based system that would take into account the number of miles driven.

Communications -- Introduction and Review

Caliendo facilitated the discussion, and the each Councilor expressed his/her opinion of the 1999 Draft Communication Agreement. The group began discussing the bulleted list and made some minor revisions. The first two items were recommended to be changed to read:

- I will respect other members of the team; and
- I will participate fully with the group discussions and decisions.

The group discussed agreement and the role of the person on the losing side of a Council vote. **Councilor Kappa** had a philosophical disagreement with fully accepting a group decision and felt it might affect his rights of free speech. He felt the group could work as a team despite disagreements and differences of opinion.

Mayor Tomei felt it was important to accept the collective decision-making process of the group. She did not expect a dissenting vote to undermine or otherwise criticize a decision.

Councilor King did not see a problem with participating in working within those group decisions.

Councilor Marshall suggested that Council may agree not to work as a team and consciously decide to operate that way. He personally did not feel he had the right to undermine the group decision and felt he should act as part of a team.

Councilor Kappa pointed out that previous Council decisions have made a profound difference on the community. He had worked politically on flaglots, for example, to change things.

Councilor Lancaster was concerned about giving up his free speech and felt that trust and honesty would keep things from going too far.

Coleman suggested that Councilors could agree among themselves to not actively oppose and to speak to a disagreement only if asked. Allow members to express themselves without actively opposing the group decision.

Councilor Kappa felt that was hypocritical.

Councilor Lancaster re-qualified his position. If Council operates with good open communication between its members and the community, then he could agree to not actively oppose a decision made by the majority. To publicly oppose a decision would only cause damage. He inferred there would be no active opposition.

Councilor Marshall interpreted the draft statement to mean that a decision would be accepted, that the individual would not try to circumvent the group's decision, and the individual as part of the group would move forward.

Councilor Kappa said taking part in the Council process should not take away from his freedom of speech.

The group discussed the difference between going to the community to gather information versus actively opposing a decision.

Council Rules

Bartlett suggested the Council review the Troutdale Municipal Code for possible revisions to Milwaukie's ordinance.

Riverfront Board

Councilor Marshall was disappointed in the turn out and felt a letter or postcard should have gone to each resident or a blanket invitation published. People told him they thought it was "just another riverfront meeting."

Councilor Kappa said some people did not believe it was sufficiently publicized.

Councilor King felt there should have been notice in the City newsletter, and **Bartlett** responded there was not enough time because the location was not known.

Councilor Marshall urged marketing the project early on. He suggested asking each Neighborhood District Association (NDA) to give up part of its monthly column so extra space could be given to riverfront project coverage. He recommended spending money on a marketing campaign.

Councilor Lancaster said it was also up to each Councilor to communicate with residents.

It was agreed the Council would hold a subsequent Teambuilding and Communication work session on April 15, 1999, at 5:30 p.m., location to be announced.

Bartlett announced a City Council executive session in the Public Safety Building Library pursuant to ORS 192.660 (1) (f) and (h) to consider records that are exempt by law from public inspection and to consult with legal counsel.

The meeting adjourned at 9:15 p.m.

Pat DuVal

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION AGENDA
APRIL 5, 1999**

PUBLIC SAFETY BUILDING

Community Meeting Room
3200 SE Harrison

WORK SESSION – 5:30 p.m.

Discussion Topics:

1. 5:30 p.m. Council Information Sharing
2. 6:00 p.m. JPACT Representative Carl Rhody
3. 6:20 p.m. Break
4. 6:30 p.m. Communications -- Introduction and Review (Peg Caliendo)
5. 7:00 p.m. Discuss Communications Agreement
6. 8:00 p.m. Discuss Council Rules
7. 9:00 p.m. Adjourn

The Council may vote in work session on non-legislative issues.

At the end of the work session, the Council may hold an Executive Session under the authority of Oregon Revised Statutes 192.660 as needed.

*For assistance/service per the Americans with Disabilities Act (ADA)
dial TDD 786-7555.*



*** M E M O R A N D U M ***

March 26, 1999

To: Mayor and City Council
 From: Dan Bartlett, City Manager
 Re: Communications Work Session

Action Requested

Consider adopting ground rules and review the current municipal code section based on materials received at recent training sessions.

Background

Council had asked that a work session on communications be scheduled as soon after the training retreat as possible. This work session was the first open time available. Peg Caliendo will be at the session to facilitate discussion.

Peg Caliendo provided training to Council members about group dynamics at the end of January. The League of Oregon Cities (LOC) provided training about the legal aspects of City Council operations on February 19 & 20, 1999. The work session packet brings materials from this training session to Council for deliberation and discussion. The packet includes:

- ❖ Amicable Relationships: A handout from the LOC work shop.
- ❖ Making the Most of Meetings: A handout from the Council training session.
- ❖ 1999 (DRAFT) Communications Agreement: A synthesis prepared by Councilor Lancaster from the training materials. *(Single sided for side by side comparison)*
- ❖ Milwaukie City Council Communications Agreement: Unadopted final product from previous Council work session. *(Single sided for side by side comparison)*
- ❖ Milwaukie Draft Communications Agreement: A process draft that was modified to the final product above. *(Single sided for side by side comparison)*
- ❖ Milwaukie Municipal Code, Chapter 2.04: Our current operating ordinance. Most of this comes from Ordinance 1480, 1981 as modified to date. *(Single sided for side by side comparison)*
- ❖ Troutdale Municipal Code, Chapter 2.08: A 1994 adoption by Troutdale to govern their process. *(Single sided for side by side comparison)*

cc: File -- Cmcommunications WS/hd

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AMICABLE RELATIONSHIPS
How to Avoid Recall, Sudden Staff Resignations,
Upset Attorneys and Ugly Meetings

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A. Introduction.

1. There are a few legal constraints on how public officials act in the conducting of meetings. The principal Oregon limits are:
 - a. *Public Meetings Law*. ORS 192.610 – 192.690. Requires advance public notice and minutes of public meetings. Public meetings require a quorum and a discussion of city business. Allows closed or “executive” meetings to discuss certain confidential subjects (e.g., litigation, labor negotiator consultations, real property acquisitions, employee evaluation). Applies to meetings for which a quorum is required. Violation can result in voiding the meeting. Attorney fees allowed in citizen suits to enforce law.
 - b. *Public Ethics Law*, ORS 244.010 to 244.045. Prohibits use of official position for financial gain or the avoidance of financial detriment to the official, official’s family or business. Exception for salary, expense reimbursement or honorarium. Limits the direct or indirect solicitation or receipt of gifts from sources with legislative or administrative interest in the official’s agency. Precludes use of confidential information for personal gain. Allows prosecution by Government Standards and Practices Commission. Requires declaration of potential conflicts of interest (where benefit is shared with class or arises because of qualification for position).
 - c. *Other State Statutes*. Various state statutes regulate how a city council or commission acts in making land use and subdivision decisions, authorizing condemnations, adopting a budget, approving an annexation and calling an election.
 - d. *City Charters*. Many city charters have “non-interference” clauses, preventing a councilor from influencing the city manager in the letting of contracts or selection of employees.
 - e. *Council Rules*. Council adopted rules of protocol and procedure are common.

2. These laws and regulations affect council relations with the manager, staff, media and the public, but they state only part of the story. Just as importantly, there are unofficial rules on how to interact with city staff, the media and the public that make governing more rewarding.
3. My focus is on this conventional wisdom, rather than the legal constraints. Much of my remarks will focus on the relationship between the city attorney and the city council. I'll also address relationships with staff, with other councilors, with the public and the media.

B. Use of Attorneys in Municipal Conflict Resolution.

1. Types of Municipal Disputes.

- a. *Intra-Council:* Faction vs. Faction (political; personal).
- b. *Intra-Municipal:* Council vs. Mayor, Council vs. Manager, Manager vs. Employee (Power allocation; breach of legal relationship; job performance).
- c. *External:* Citizen vs. City, Citizen vs. Citizen (litigation; public records disputes).

2. Problems with Using Attorneys to Obtain Resolution of a Dispute.

- a. A legal solution may not resolve the underlying dispute. Obtaining a legal answer often is a way of avoiding a political issue or more effective dispute resolution.
- b. A forced "legal" solution to a policy dispute creates a political cost to the city attorney in credibility or identification with political group.
- c. *Example:* A controversial ordinance is defeated by a close vote. One faction of the council wants to keep arguing about the issue. Is the solution legal advice on who can make a motion for reconsideration?
- d. The role of the city attorney may differ depending upon who hires and fires the attorney, whether the dispute is internal or external and whether the legal answer is clear.
- e. On the other hand, sometimes resolution of legal issues removes obstacles to a political solution. Throwing an issue to the lawyers can make an issue less visible or politically contentious. But lawyerizing a dispute is expensive.

3. Roles of City Attorney in Avoiding Disputes.

- a. *Teacher.* It is extremely important that the government participants be schooled in public law (elected officials, appointed officials, staff and public). Knowledge of public law will prevent legal disputes from displacing policy disputes.
- b. *Drafter.* Are the laws written clearly so that procedures give guidance on the process and standards show policy choices? Lack of clarity on procedure will delay decision. Lack of clarity on standards will require making the policy choice again, often in a particularized setting with unfortunate equities.

4. Roles of a City Attorney in Dispute Resolution.

- a. *Procedural Referee.* Gives advice on the procedures to make decisions (open meetings law, conducting quasi-judicial hearings, calling elections, etc.).
 - 1) Easy role for attorney. Usually involves external disputes (conduct of public meeting, procedures for public hearing).
 - 2) Usually no divided loyalty. Most often the answer is clear.
- b. *Parliamentarian.* More difficult role because rules are complex. Often requires favoring one council faction over another. This creates political costs for attorney since parliamentary disputes often mask political disputes.
- c. *Historian.* Oftentimes, attorney is the institutional memory when his or her tenure is lengthy. Can recall events that offer precedent and justification for course of prospective action.
- d. *Risk Manager.* Attorney will often be used in determining risks in intra-council disputes over policy or in assessing risks in actual or potential litigation and other external disputes.
 - 1) Sometimes risk management obscures the need for policy choices. Issue may not be whether there is liability risk by a course of action but whether the risk is worth it to attain some policy objective.
 - 2) Councils sometimes will try to "lawyerize" an issue and treat it solely as a risk avoidance exercise.
 - 3) Different types of risks: litigation risk (always present); political/credibility risks (risk of failure); asset loss risks (damage

liability, loss of key personnel). City attorney may not be competent in evaluating all types of risks but may be culpable if any harm occurs.

- 4) Avoid asking lawyer in public what legal risks exist by a course of action. A good lawyer won't give a candid public assessment if there really are substantial risks of liability.

e. *Judge.* This is the most difficult role for an attorney in conflict resolution.

- 1) Role is particularly difficult when it involves intra-municipal disputes requiring siding with manager vs. council, council faction vs. council faction, mayor vs. council. High risk of loss of credibility for a city attorney.
- 2) The judging role is also difficult when legal answer is not clear. There is little precedent on local law issues: city records are not usually complete. Bias may exist toward preferred answer.
- 3) Consider using an outside attorney in dispute resolution if you want the attorney to be judge. Make sure that city attorney has role in selection of outside counsel: outside counsel should be retained early in dispute.
- 4) Ethical issues sometimes exist for a city attorney in determining who is the client (organization, city manager, mayor, public). When there is an intra-municipal dispute, ethical requirements of attorneys may require an outside counsel.

f. *Negotiator/Advocate.* This is our favorite role. It is a role for external conflicts (no issue of divided loyalty and one that attorneys are trained to do).

- 1) Sometimes, attorneys are not the best negotiators. Yet administrators often fail to resolve key issues if they negotiate by themselves. Good results often occur with lay negotiators prepared with complete legal advice.
- 2) Lawyers may be best negotiators when threat of litigation is needed. Make sure threat is credible (e.g., property acquisition and condemnation threat).

g. *Other Roles*

- 1) Facilitator in council/manager disputes or manager termination process. Beware of political costs in facilitating other intramural disputes.
- 2) Identifying options to pursue.

5. Summary.

- a. Make sure that all public officials in your jurisdiction are educated in the rudiments of public law. Council and commission orientation should include review of public meetings law, open records law, quasi-judicial procedures, land use law, all parts of the local charter, and local code and bylaw provisions on procedures.
- b. Agree in advance on the rules for conducting meetings. These can be expressed in council bylaws or ground rules. Key issues usually include: role of presiding officer, placing items on the agenda, postponing items on the agenda, limits on deliberation time, limits on testimony time, ability to request staff work, roles during work sessions, responsibilities of staff vs. mayor vs. council. Other agreements may include: legislature priorities, avoiding surprises, deference to specialized boards, personalizing debates, etc.
- c. Clarify with your attorney the answer to common legal questions that arise about group deliberations. Try to obtain the answer to these questions in advance of the time they arise:
 - 1) Use of ordinance vs. resolution vs. motion.
 - 2) When is reconsideration of a matter appropriate?
 - 3) Can a member who is disqualified because of bias or conflict of interest be counted in determining if a quorum exists?
 - 4) What happens when there is a tie vote?
 - 5) What process must be used to fill vacancies on the council and on other city boards and commissions?
 - 6) When must the council conduct a public hearing on a matter?
 - 7) When is it appropriate to delegate a decision to the city manager or to a city board?

- 8) What role can the council play in initiative and referendum processes?
- 9) Is the Council bound by precedent?
- d. Beware of "lawyerizing" disputes - masking the need to resolve a legitimate policy or power conflict with legal conflict resolution. For example, the first issue in a public records request is whether the city wants to supply the records, whether any public harm would result by the inspection. If not, and if the records are not confidential, then allow the inspection. Only if there is some legitimate reason for refusing access to the record is a legal issue created of whether the record must be disclosed under the public records law.
- e. Be aware that a lawyer's value is in the perception of the lawyer as objective and knowledgeable. These perceptions may be eroded if a city attorney is asked to judge power or political disputes.
- f. If you legitimately want to know about liability risks, seek a confidential opinion.
- g. Use litigation as a last resort in conflict management; but don't be afraid to use litigation when you have to. Sometimes, litigation will externalize the dispute and may be the only method of resolving an issue.

C. Relationship with City Manager and Staff.

- 1. The relationship between the council and the city manager differs depending upon the charter function of the manager. Sometimes, the executive authority is vested in the mayor and the manager is accountable to the mayor.
- 2. In most jurisdictions, the practice is to delegate administrative authority to the city manager. Even without noninterference clauses in the charter, it is unwise for individual councilors to seek to influence awarding contracts or the hiring or firing of city employees. The noninterference clause in the Model Charter provides that,

“Except in council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to influence the manager or a candidate for the office of manager in the appointment, discipline, or removal of personnel or in decisions regarding city property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In council meeting, members of the council may discuss with, or suggest to, the manager anything pertinent to the city affairs.”

3. As with most relationships, success lies in clear and consistent communication. The council needs to make its expectations of the manager explicit. The performance of a manager needs to be periodically reviewed, usually in conjunction with adjustments to compensation. Note that adopted standards for the evaluation of the manager allow performance review to be conducted in executive session.
4. Communications with staff should be coordinated through the manager. As a supervisor, the manager should know what requests are made of staff.
5. Be careful to not subject staff to onerous or conflicting demands. In most jurisdictions, a significant work task (e.g., researching and drafting a new ordinance) is requested after coordination with the mayor or the rest of the council and channeled through the city manager.
6. The work product of a staff request should be shared with the entire council. The staff works for the manager and the entire council, not individual councilors.
7. Be considerate of the manager and staff in public remarks. Public belittling of a city employee is very damaging to institutional morale, and erodes public confidence in the city. Save your criticisms for private communications; use public sessions to praise staff and help build organizational morale. You should forewarn staff about complicated questions you expect to ask in a council meeting.
8. Practices differ on the evaluation of the city manager. Again, the Public Meetings Law allows the evaluation to be in executive session of the council if the council has adopted evaluation standards in open session after a public hearing and the manager does not request an open session. ORS 192.660(1)(i).
 - a. In some cities the mayor will collect comments from individual councilors and then meet and evaluate the manager in a non-public meeting.
 - b. In other cities the manager will meet with the entire council in open or closed session for the evaluation.
 - c. In either case, the council should formulate clear performance expectations for the manager. Otherwise, expectations will be inferred from the demands or concerns of individual councilors.
9. Usually, the manager is employed "at will" and under a written agreement. Termination of a manager's employment is a delicate task and should be coordinated through the city attorney. There can be significant consequences from harming the reputation and employability of a manager through a public discrediting. It is natural for dissatisfaction to evolve in the performance of a

manager, or for the city's needs to change. The best transition is one that evolves privately with due regard for the reputation of the city manager.

D. Relationship with the Media.

1. Be clear on whether you are speaking for yourself or on behalf of the council.
2. Be wary of the content of communications to the media. The communication is very important, affecting public perception of the city and the council. For significant issues, communications should be funneled through a single spokesperson and coordinated among affected parts of the city government. There is no individual obligation to comment or speak to the news media.
3. Don't comment on the conversations within an executive session. This is a serious breach of confidentiality and very destructive of council relationships. It is best not to talk in any way about the subject of an executive session.
 - a. Breaching confidentiality of executive sessions will result in shutting out the errant councilor. Information will be communicated through limited one-on-one briefings or confidential written communications to all but the defaulting councilor.
 - b. If the breach is to obtain a political gain for the councilor, the action may be unethical. ORS 244.040(4) makes it unethical to "attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way." Is political advantage a "personal gain?"

E. Relationship with Council Members and Conducting a Council Meeting.

1. The Public Meetings Law requires notice and a record of meetings of a quorum of the council to deliberate toward a decision. A coordinated number of smaller meetings to reach a consensus on a council decision violates the spirit, but not the letter, of the law.
2. Many charters allow disqualification of a councilor because of unexcused absences from council meetings. This disqualification rarely occurs.
3. Obviously, councilors should be courteous in conducting themselves during a public meetings. Avoid personal attacks. Direct comments to the mayor/chair. Confine comments to the question in debate. Allow others to comment before reiterating your points. Ask questions to clarify, not to state your opinion.
4. The council should have meeting groundrules. A copy of the City of Troutdale Council Rules is attached.

5. Issues are rarely resolved with close votes. The purpose of deliberations is to achieve as much council consensus as possible. A 5/2 outcome is immensely preferable to a 4/3 vote.
6. The council should have a bias toward upholding the recommendation or decision of an inferior board or commission. This does not mean that the decision cannot be overturned or that a different policy cannot be adopted. The ultimate decision is one for elected officials to make. But if a council does not give credence to the work of volunteer commissions and boards, then the city will find it very difficult to recruit persons to serve and the workload of the council will increase.
7. Avoid drafting ordinances by committee and during a council meeting. Ordinance drafting is a technical exercise best left to persons with that experience. Instead, you should decide on concepts and leave the iteration of those concepts to staff.

F. Relationship with the Public.

1. The public perception of city government is shaped by the city's public posture, how the city conducts its business and how council meetings are conducted. This perception affects whether the city can obtain voter approval for financial measures. There are "dollars and cents" effects of how councilors and city staff behave.
2. Councilors are expected to be courteous with each other and with the public in council meetings. If people are belittled because of their public testimony, it will reflect badly upon the council and the city. It will also increase the resolve of those persons to carry on opposition to the city action.
3. How a councilor appears during public meetings is important. Talking to colleagues, reading, laughing or not paying attention during public or staff testimony is discourteous.
4. Many cities have public comment portions of a council meeting. You may want to avoid responding to issues raised by the public until there has been an opportunity for staff evaluation. Oftentimes, things are not as they appear and a premature position could prove unwise.

Conclusions.

1. Don't ask your lawyer to do your job. Policy issues should be decided by councilors based upon the public interest, not on technicalities or phony risk avoidance.

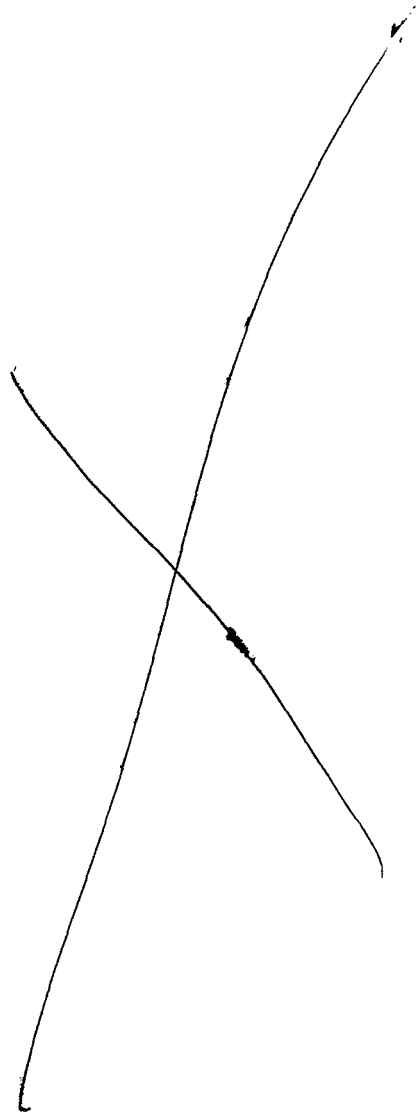
WS. 4 //

2. Conduct the public business in professional manner without denigration of city staff or the public.
3. Consider adoption of council groundrules to avoid procedural arguments.
4. The goal of deliberation is consensus, not "winning."
5. Don't trust the media.
6. If you follow these suggestions, you will probably survive your term, be a staff favorite, enjoy council meetings, and, best of all, allow attorneys to enjoy true bliss (unstressful billings). Good luck!

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Making the Most of Meetings

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Ground Rules for Effective Groups

Roger M. Schwarz

Why is it that some groups are able to tackle difficult tasks, pull together, and solve problems in a way that makes their groups effective, while other groups are overcome by their tasks even though their members have the necessary technical skills and are highly motivated? One reason is that some groups have an effective set of ground rules—implicit or explicit—that guides their behavior. When members follow these ground rules, they are better able to communicate, handle conflict, solve problems, and make decisions.

In this article, I describe a set of sixteen ground rules that groups can use to work more effectively. I explain why they work and, using specific examples, illustrate how to use them. A group can benefit from these ground rules to the extent that (1) it is responsible for solving problems, (2) it deals with complex or nonroutine problems, (3) each member is treated as making an important contribution, (4) group decisions require the commitment of every member to be effectively implemented, (5) the group meets regularly, and (6) the group has sufficient time to solve problems. Groups for which the ground rules are appropriate include management teams, participants in regular staff meetings, and task forces. With some modifications, they also are appropriate for elected or appointed boards.

Although these ground rules can help a group become more effective, they are not a panacea. The ground rules neither replace the struggles of group development, reduce the risks of openness,

nor overcome the lack of trust that often prevents groups from using them in the first place. Using the ground rules will not ensure that members will agree with each other, but it will increase the likelihood that conflicts between members will be constructive. Finally, the ground rules are not a quick solution. Although they are easy to understand, they are difficult to implement. To use them effectively, a group must practice them regularly over time.

The ground rules are based on three values: valid information, free and informed choice, and internal commitment.¹ To solve problems effectively a group must have *valid information*. Maximizing valid information means that members share all information relevant to an issue. In addition, they share the information in a way that enables other members to determine for themselves whether the information is valid. The second value, *free and informed choice*, requires that members make choices based on valid information and that they can define their own objectives and the methods for achieving those objectives. And the third value, *internal commitment* to the decisions, means that members feel personally responsible for the decisions the group makes. Each member is committed to the decision because it is intrinsically satisfying, not because there are rewards or penalties leading him or her to be committed, as in the case of "external" commitment.

The three values reinforce one another. Members require valid information to make an informed choice. When members make free choices, they are more likely to be internally committed to those choices. When members are internally committed to decisions, they are more likely to monitor the decisions to see that they are implemented effectively. This, in combination with the ability to make free choices, leads members to seek more valid information.²

The ground rules

Just as the ground rules are based on three reinforcing values, they also are supported by each other and work together. To fully appreciate this, think about how each ground rule reinforces the others.³

Share all relevant information. This ground rule means that each member tells the group all the information he or she has that will affect how the group solves a problem or makes a decision. The sharing ensures that members have a common base of information, and it includes sharing information that does not support your position. For example, imagine that the group is deciding whether to institute flexible working hours in the department. You want very much to have flexible working hours but think that it may require more careful coordination of scheduling. You also know that if oth-

ers knew of the increased difficulty, they might not be as supportive of the idea. Here, sharing all relevant information means telling the group about the possibility of increased scheduling difficulties, even though the information may reduce the chances that flexible hours will be established. One indicator of whether members are sharing all relevant information is if they are sharing information that does not support their positions.

Be specific: Use examples. Specific examples use directly observable behaviors to describe people, places, things, or events. Unlike general statements, specific examples maximize valid information because they enable other members to determine whether the examples are valid. For example, if Bob makes the general statement to the group, "I think some of us are not doing their share of the work," other members cannot determine whether the statement is valid. Members cannot observe who "some of us" are; neither can they directly observe whether some are "not doing their share of the work." In contrast, if Bob states specifically, "Sam and Joe, you did not complete and distribute your section of the report," other members can determine whether the statement is valid by directly observing whether Sam's and Joe's section of the report is complete and whether they distributed it.

Explain the reasons behind your statements, questions, and actions. This ground rule simply means telling others why you are doing what you are doing. It is part of sharing all relevant information. For example, if you ask the group for statistics on the number of days that people are late to work, you might say, "I am asking for this information because it will give me a better idea of how flexible working hours may have an effect on tardiness and absenteeism." Explaining your reasoning helps people interpret your behavior correctly and reduces the chances of people assuming or inferring things that may or may not be true. I will discuss this further in the section on testing assumptions and inferences.

Focus on interests, not positions.⁴ Focusing on interests enables members to share relevant information so that they can solve problems in a way that enables all members to be internally committed to the solutions. To make decisions to which all members are internally committed, members must find a solution that meets everyone's interests. The most effective way to do this is for members to start by identifying their own interests. Unfortunately, many groups start by talking about solutions or positions. For example, if the group is trying to solve the problem of when to meet, one member may start by saying, "I suggest we meet every other

Monday at 7:30 A.M.” Another may respond, “My position is that we should meet the second day of each month.”

A person takes a position because it meets his or her interests: a person’s position is simply that person’s interests combined in a way that can be implemented. For example, the person who suggested meeting every other Monday at 7:30 A.M. was interested in meeting early in the morning before work began to pile up on her desk. The person who wanted to meet the second day of each month was interested in meeting immediately after a relevant biweekly computer report became available.

The problem with starting with positions is that people’s positions are often in conflict even when their interests are compatible. This occurs because people tend to offer their positions after they have provided for their own interests, but before they have included the other members’ interests. In the meeting example, each member’s solution was rejected by the other because it failed to meet the other’s interests. However, had each member been aware of the other’s interests, either one could have offered a solution that satisfied both.

To focus on interests rather than positions, start by asking each member to list the criteria that must be met in order for him or her to accept any solution. For example, if a group were to buy a car, one member might be interested in a car that can hold all six group members. Another might be interested in a car that uses fuel efficiently, while a third member might be interested in a car that has a good repair record. Notice that none of these interests specifies a particular car (position). If a member states a position (such as “I want to buy a Chevy”), point that out and then say something like, “What interests do you have that lead you to favor that position?”

Eventually, when every member has stated his or her interests and the group has agreed to use them, members can begin to generate solutions or positions. In the car example, solutions would be the names of specific cars. When a member offers a solution, it helps to point out how that solution meets the interests on which the group agreed. In this way, the group is assured that there will be consensus about the solution.

Keep the discussion focused. Focusing the discussion means ensuring that members are discussing relevant issues, everyone is focused on the same issue, and everyone fully understands the issue. Sometimes a group spends time discussing issues that are irrelevant to its task. To get a group refocused on relevant issues, it helps to identify how the group got off the track: “We began this discussion talking about workloads, and now we are talking about

photocopiers. I think we have gotten off the track; do others agree?"

Other times group members are focused on different issues. To get everyone in the group focused on the same discussion, it helps to identify the various issues that people have raised: "I think we are talking about different things. It sounds like Leslie and Debra are talking about the problem of coordinating different schedules, but Nancy and Hank are talking about how it will affect the amount of work we can accomplish. Do other people agree that we are talking about different things?" If other members agree, ask which topic would be best to talk about first.

One particularly crucial time when members need to be focused on the same issue is when the group is defining the problem on which they will work. If various members believe they are solving different problems, the group will not accomplish its task.

Keeping the discussion focused also means discussing an issue until all members understand it. This ensures that every member will have the same information and will be able to make an informed choice. If even one person does not understand something, the group needs to discuss it until it is clear to everyone in the group.

Don't take cheap shots or otherwise distract the group. At some time, almost everyone has been the target of a cheap shot—a witty or snide remark that insults someone. In addition to the fact that cheap shots make people feel bad and do not help the group, there is a very practical reason for not using them. After someone is the target of an insult, he or she usually spends some time thinking about the comment—wondering why the comment was made, being angry, or thinking about clever comebacks to use later in the meeting. In any event, the person usually is distracted from the group's conversation. When distracted, he or she cannot participate in identifying and solving the problem being discussed. As a result, the person may later withhold his or her consent.

When everyone's full participation is needed, members cannot afford to distract each other. In general, members should not engage in any behavior—such as sidebar conversations or private jokes—that distracts the group from its task.

It is all right to disagree openly with any member of the group. Disagreeing openly increases the amount of valid information. Sometimes the group membership makes it difficult for some members to disagree with others. For example, a member whose supervisor (or whose supervisor's supervisor) is also a member of the group may find it difficult to disagree with him or her. Sometimes groups are made up of subgroups, and members of one subgroup are reluctant to disagree with each other in front of an-

other subgroup. For example, managers may be reluctant to disagree with each other in front of employees.

It is all right to discuss undiscussable issues. Every group has what are called undiscussable issues. These are issues that are relevant to the group's task but that members believe they cannot discuss openly in the group without some negative consequences. Some examples include members not performing adequately, mem-

Helping boards work

Many of us who are involved in conflict resolution work also serve on boards, task forces, or other working groups. These roles constantly challenge our ability to apply the techniques we teach and words we preach to our own peacemaking and conflict resolution organizations. The goal of this article is to provide a useful tool for improving the work of boards and other decision-making bodies.

Using consensus. The word "consensus" comes from the Latin *consentire*, meaning to feel with or perceive with. It may also come from *concinere*, meaning to sing or make harmony together. Many nonprofit organizations choose consensus as their decision-making method, which they understand to mean that decisions are made when all agree to them, rather than by majority vote. What is often lacking, however, is a thorough discussion within the group about what to do if it does not reach consensus.

In discussing the meaning of consensus, the group needs to decide whether it will use "pure" consensus, with no alternative method for decision making, or "modified" consensus, with a fallback method (such as voting or executive decision) in place. Both can work; what is critical is that the group be clear about which method it is using *before* it begins a decision-making process. It is also useful to define precisely the circumstances under which the fallback method will be used (e.g., the time limit is reached, for minor spending decisions). Where a hierarchical fallback process is in place it is important for the person in charge to convey clearly when the group has control of the decision making and when s/he has the final word.

Straw-poll consensus. Consensus-based groups often "talk an issue to death" as they struggle for unity. The following "straw-poll" system is a method for keeping the consensus process streamlined. The process is this: After the board has had sufficient time for discussion about a particular topic, the chair asks each member to hold up fingers showing where s/he is on the levels of consensus scale shown below. If a quick scan of the room suggests all 1s or 2s, the group can quickly see that consensus has been reached. This process

bers not trusting one another, and members being reluctant to disagree with superiors who are also group members. Unfortunately, because these issues often raise feelings of mistrust, inadequacy, and defensiveness, members usually deal with the issues either by not talking about them at all or by talking about them outside the group with people they trust. However, such issues are usually critical for the group to resolve, and as long as they remain undiscussable the group's performance may suffer. In order for the group

shortcuts extra discussion or speech giving. If there are those indicating 3s, 4s, 5s, and 6s, further discussion will be needed to reach unity.

No matter what the straw poll shows, it is a good idea to ask if there is need for further comments or discussion. The caution with such a system is that when even one person is not in unity with the decision, the group needs to take the time to listen to and consider what the person has to say. Then the group needs to decide whether the decision making will be delayed to a later time to give more chance for reflection, research, etc., whether it will continue working right then to find a solution that will be mutually agreeable, or whether it will use its fallback decision-making method.

To reiterate, the purpose of this method is to shorten the time needed to reach consensus and to give everyone a voice, not to compromise the careful listening, reflection, respect, and trust that must accompany the use of consensus. One final note: Considerable time is often spent trying to bring everybody to a 1 or 2 level of consensus. Often, when the decision is a noncritical one, it is workable to have a few people at 3 and even 4. Probably one would want higher levels of consensus on decisions affecting the fundamental character of a program.

The levels of consensus

1. I can say an unqualified "yes" to the decision. I am satisfied that the decision is an expression of the wisdom of the group.
2. I find the decision perfectly acceptable.
3. I can live with the decision; I'm not especially enthusiastic about it.
4. I do not fully agree with the decision and need to register my view about it. However, I do not choose to block the decision. I am willing to support the decision because I trust the wisdom of the group.
5. I do not agree with the decision and feel the need to stand in the way of this decision being accepted.
6. I feel that we have no clear sense of unity in the group. We need to do more work before consensus can be reached.

Source: Dee Kelsey, "Helping Boards Work," *Conflict Resolution Notes* 8, no. 3 (1991): 43-44. Reprinted by permission.

to maximize valid information and allow members to make free and informed choices, members need to make undiscussable issues discussable within the group. One way to achieve this is to show that undiscussable issues can be discussed: "I realize what I'm about to say may be considered an undiscussable issue, but I think we can be a more effective group if we deal with this issue." Group members also can explore their concerns about discussing these issues without actually discussing the issues themselves. If members can be assured that their fears will not be realized, they will be more willing to talk openly about these matters. Finally, once the group successfully discusses one undiscussable issue, members may find it easier to deal with others.

Share appropriate information with nongroup members. To be successful, a group must work well internally and must work well with people outside the group with whom they are interdependent. Working effectively with nongroup members includes continually sharing information with and seeking information from those whose work affects and is affected by the group. Consequently, the group must decide what information is appropriate to share with various nongroup members and how to share it.

Make statements; then invite comments about the statements. Making statements and then inviting comments about them means expressing your point of view (making sure to explain your reasons) and then asking others whether they agree or disagree. For example, you might say, "I think it would help to give department heads their own budgets to work within, so that their accountability will be commensurate with their responsibility. But, some of you may feel differently. I'd like to hear what each of you thinks about my idea, even if you disagree."

Inviting others to comment on your statements encourages them to question and challenge your ideas and helps turn the discussion into a dialogue rather than a series of unrelated monologues. The discussion that results enables the group to determine the validity of the ideas and enables each member to make an informed choice. It may seem counterproductive to encourage disagreement, yet reaching a decision to which all members will be committed requires that members identify their disagreements and resolve them.

Test assumptions and inferences. When you assume something, you consider it to be true without verifying it. When you infer something, you draw conclusions from things people say. Imagine, for example, that Bob, the group's chairperson, observes that Hank, although very productive, has considerably more work than any

other group member. To lighten Hank's workload, Bob begins transferring some of Hank's work to other members. One day, when Bob tells Hank he will no longer have to prepare a certain report, Hank replies, "Is there anything else I'm doing that you don't like?"

Bob had assumed Hank would know why he was trying to lighten his workload, and Hank had incorrectly inferred that Bob was dissatisfied with his work. Furthermore, Hank did not test his inference with Bob and thus could not find out that it was incorrect. Consequently, Hank became angry at Bob unnecessarily.

Testing assumptions and inferences enables members to get valid information to make informed choices. If you are going to react to someone or make a decision based on something you inferred, make sure that you test whether your inference is correct. In this case Hank could have said, "When you started removing some of my duties, I inferred that you were dissatisfied with my performance. Am I correct?"

Agree on what important words mean. This ground rule is an extension of "Be specific: Use examples." When members unintentionally agree or disagree with each other, it is often because the same word means different things to them. For example, imagine that a group decides to make decisions by consensus. However, to some members *consensus* means general agreement, while to others it means unanimous agreement. The first time the group makes a decision that has general but not unanimous support, it will discover that it had not agreed on the meaning of consensus.

One way to determine whether all group members are using a word to mean the same thing is to ask them the first time the word is used. You might say something like, "You used the word *consensus*. To me consensus means unanimous agreement and not general agreement; is that what consensus means to you?" Notice that in describing what a word means to you, it helps also to describe what it does not mean.

Jointly design ways of testing disagreements and solutions. Imagine that the group is discussing whether the organization responds quickly enough to citizen complaints. Diane believes that citizens are getting timely responses, but Kate disagrees. Normally in disagreements like this, each person tries to convince the other that he or she is wrong. Diane will offer all her evidence to support her position, and Kate will do the same for her own position. Each may doubt the other's evidence, and neither will offer evidence to weaken her own position. Even when the disagreement is over and won, the "loser" is still likely to believe she is right.

If Diane and Kate jointly designed a way of testing their disagreement, it would work like this: Once the two realized that they disagreed, one would suggest that they work together to discover the "real facts." To do so, each would have to be willing to accept the possibility that her information may be inaccurate. Then they would jointly develop a method to test out which facts are real. The method would include jointly agreeing on whom to speak with, what questions to ask them, what statistical data to consider relevant, and how to collect the data. For example, they might agree to speak with several employees, to talk with a sample of callers from past weeks, and to review an agreed-upon number of written complaints. Diane and Kate might also agree to speak jointly to each of these people, so that both can hear the same conversation. Whatever method they use, it is critical that both agree to it and agree to use the information that comes from it. Once Diane and Kate have collected their information, they should discuss it together and reach a joint decision about the real facts.

One important question to ask when jointly testing disagreements is, "How is it possible that we are both correct?" Often members have different sets of facts because they are talking about different times, places, or people. In this example, both Diane and Kate could have been correct; calls from citizens could have been responded to in a timely way in some units but not in others.

By jointly resolving disagreements, members are more likely to be internally committed to the outcome because they freely agreed to the test.

All members are expected to participate in all phases of the process. This ground rule means simply that each member's participation is essential for the group to work effectively. Because each member has a different position in the organization, he or she will likely have different experiences and views about how to solve problems. In order for the group to benefit most from these different views, everyone must contribute to the extent that he or she has relevant information to share.

Make decisions by consensus. Making decisions by consensus is the heart of the ground rules. Consensus means that everyone in the group freely agrees with the decision and will support it. If even one person cannot agree with a proposed decision, then the group does not have consensus.

Consensus ensures that each member's choices will be free choices and that each will be internally committed to those choices. Consensus decision making equalizes the distribution of power in the group because every member's concerns must be addressed and his or her support is required in order to reach a decision. For

example, if a member needs to understand more about an issue, the member can withhold consent until he or she understands the issue. Reaching consensus usually takes more time than voting because it is hard work to find a decision or solution that everyone fully supports. But because people are internally committed to them, in the long run decisions made by consensus usually take less time to implement successfully and encounter less resistance.

When the group thinks it is about to reach consensus, one member should state the decision under consideration, and then each member should say whether he or she consents. This avoids the mistake of assuming that silence means consent. Voting is not allowed in consensus decision making, but the group can take straw polls to see whether it is close to consensus and to see which members still have concerns about the proposed decision. To reach consensus, members must agree without feeling pressured by the group.

Consensus should be used throughout the time a group is solving a problem, not just at the end, when members are selecting the best alternative. Each time that the group is about to move to the next step of the problem-solving process, it should get consensus.

Individuals are often reluctant to use this ground rule because, in their experience, groups rarely are able to reach consensus and because they fear that key decisions will not be made. However, the reason many groups are unable to reach consensus is because they do not have an effective set of ground rules; following the other ground rules in this article will increase the chances that a group will reach consensus. It is important to remember that these ground rules are most appropriate when the full group must support the decision in order for it to be implemented effectively. Under this condition, the alternative to reaching consensus is to make a decision that will not be effectively implemented.

Do self-critiques. For a group to become more effective over time, it must have some way to systematically incorporate its successes and learn from its mistakes. Self-critiques provide a way to do this. This is how they work: Before the end of each meeting, the group asks itself three questions:

1. What ground rules did we use well?
2. What ground rules do we need to improve on?
3. Exactly what will we do differently next time?

For the critique to be helpful, when answering each of the questions, members must be very specific and give examples (which itself is a ground rule). For example, John might say, "I think Debra helped the group focus on interests, not positions, when she asked Bob what interests led him to oppose flexible working hours. Do

others agree?" A general comment like "I think we all could do a better job of staying focused" does not help the group identify exactly how the group lost its focus.

Giving someone negative feedback can be difficult, but it is easier if you give it in a way that is consistent with the ground rules, such as making your statement and then inviting people to disagree with you. If members keep in mind that the purpose of the self-critique is to improve the group's performance, that also makes it easier to give negative feedback.

One way to conduct effective self-critiques while reducing the amount of negative feedback that members give each other is for each member to identify ground rules that he or she has used well or poorly during the meeting. After each member has taken responsibility for assessing his or her own performance, members can then give each other feedback.

Because self-critiques can be uncomfortable and because groups are often pressed for time, sometimes groups do not conduct them. Ultimately, however, the only way a group can systematically improve its performance is to learn from its own experiences continually—by doing self-critiques.

Putting the ground rules to use

For these ground rules to be helpful, everyone in the group must understand them, agree on what they mean, and commit to using them. One way to achieve this is to ask members of the group to read this article, discuss it in the group, and then decide whether they want to use this set of ground rules. Because the ground rules are based on valid information and free and informed choice, group members should agree to use the ground rules only after they have considered them carefully.

Often I am asked whether it is possible to use only a subset of these ground rules.⁵ Because each of the sixteen ground rules supports the others, removing one reduces the degree to which the group will be able to maximize valid information, free and informed choice, and internal commitment. Nevertheless, it is probably more effective to use some of the ground rules than to use none. Because valid information is necessary not only for internal commitment and free and informed choice but also for each of the ground rules, groups seeking to use a subset should, at a minimum, adopt those designed to maximize valid information.

Although these ground rules are relevant for a wide range of groups, they are not exhaustive. Some groups may find a need for additional ground rules to help them accomplish their particular tasks.

Once the group has agreed to use these (or other) ground rules, it must develop a way to ensure their use. This requires that the

list of ground rules be visible to members when they are meeting as a group. A poster-sized list can be hung up in the group's meeting room or each member can receive a pocket-sized list. Whatever the method, members should agree to refer to the ground rules during the meeting when they are trying to use them. For example, one member might say, "Beth, I want to test out an inference I made from your statement," or "Tim, what is your interest behind that position?" By explicitly referring to the ground rules, members are better able to evaluate how well they are using them. Finally, toward the end of each meeting, the group should do a self-critique (described above). This will help the members identify how well they have used the ground rules and where they need to improve.

Getting members to use the sixteen ground rules consistently is a difficult task. It will take numerous meetings before members develop the skills required by the ground rules. Old groups that have worked together before without using these ground rules may already have an implicit set of ineffective ground rules that conflicts with the new ones. In this case, the group may have to identify its implicit, ineffective ground rules and agree to replace them with the new set. Ultimately, the more the group openly discusses how it is using the ground rules, the sooner its effectiveness can increase.

Using these ground rules may require taking risks, to the extent that members of the group distrust one another. Specifically, members will have to risk sharing information that they fear may be used against them. To reduce (but not eliminate) this risk, group members—especially superiors in the group—can agree not to do so. In addition, the group also can decide that if a member believes he or she has had information used against him or her, that issue can be discussed in the group. To build trust, ultimately members must be willing to take these risks.

1. Chris Argyris and D. A. Schön. *Theory in Practice: Increasing Professional Effectiveness* (San Francisco: Jossey-Bass, 1974).
2. Argyris and Schön, *Theory in Practice*.
3. Ground rules 1, 3, 8, 10, 11, and 13 are based on Chris Argyris, *Reasoning, Learning, and Action* (San Francisco: Jossey-Bass, 1982).
4. This ground rule is based on Roger Fisher and William Ury, *Getting to Yes* (New York: Penguin Books, 1982).
5. In some cases people want to omit one or more of these ground rules because they think that the rules and other rules the group follows are mutually exclusive. For example, some groups (such as elected bodies) have bylaws that require decisions to be made by voting, which the groups consider mutually exclusive with consensus. However, groups can attempt to reach consensus even if, ultimately, they must decide by a vote.

**1999
DRAFT
Communication Agreement**

- ☒ I will respect other members of the team by always being honest and fully participate in the group

- ☒ I will carefully listen as each person speaks, without judgement. Clarify facts and opinions to ensure understanding. Seek to finish discussion and not interject irrelevant information or otherwise lead the group in another direction. I will stay focused until the current issue is resolved.

- ☒ In all discussion, I will move from the general to the specific and correct misinformation immediately. I will present my views in a positive and forthright manner, not personalize my comments and respond to questions clearly and directly.

- ☒ I will bring issues to the group first, before taking a public position and give reasonable advance notice of important matters to be introduced at meetings. In matters of opinion, I will speak only for myself.

- ☒ I will always work towards consensus and accept the collective decision-making process of the group. If I disagree with a decision of the group, I will respect and accept that decision.

- ☒ I will look for ways to publicly praise team members and staff, criticizing only in private. If issues or concerns arise between team members, I will first attempt to resolve such matters by addressing the issue in an appropriate, private and timely manner.

- ☒ In all that I do, I will fulfill my duty of care and loyalty to the city and it's citizens, remembering that the chief function of local government is to serve the best interests of all the people of Milwaukie.

②

Milwaukie City Council
Communication Agreement

March 18, 1997

The purpose of this Communication Agreement is to promote a more effective working relationship among group members.

1. I will respect other members of the group, be tactfully honest, and actively participate in the group.
2. I will listen earnestly to other members during deliberations. I will check out facts and feelings, and work toward understanding, acceptance and support. I will seek to finish discussion on ideas and issues before going on. I will move from generalities to specifics, and reserve the right to correct major misinformation.
3. I speak for myself and will avoid saying "we" or "you" when I mean "I." I agree to use "we" by permission or when using the collective "we."
4. I appreciate different points of view and take responsibility to tell other members not only what I think and feel, but why. I recognize that what I permit to occur, I accept. If I do not speak out I am likely to be viewed as in support. I will present my views in a forthright, positive manner and respond to questions clearly and directly.
5. I will bring issues to the group first before taking a public position. I will seek to avoid surprising others by giving advance notice (with sufficient time to review data) of significant matters to be introduced at meetings, when possible.
6. I will work toward consensus. I will accept the collective decision-making process of the group. If I disagree with a particular decision made by the group, I will voice my opinion without personalizing the issue.
7. I will focus on the present and future and use the past only as data for the present and the future. Without new or additional information, I will not bring up old issues, and once a group decision is made, I will accept it and move on.
8. I will look for and acknowledge things that go right. I will praise in public and criticize in private. If I have a concern or issue with another member, I will go to that individual first in an appropriate, private, and timely manner and share that concern.
9. I will endeavor to enjoy our work together and will celebrate our successes.

Adopted :
Revised:

01-18-99 20:10

RECEIVED FROM:

P.02

**Milwaukie
Draft Communication Agreement**

February 6, 1997 Draft

The purpose of this Communication Agreement is to promote a more effective working relationship among group members.

1. I will respect other members of the group, be tactfully honest, and actively participate in the group.
2. I will listen earnestly to other members during deliberations and will not lobby for a position to the exclusion of others.
3. I speak for myself and will avoid saying "we" or "you" when I mean "I." I agree to use "we" by permission or when using the collective "we."
4. I appreciate different points of view and take responsibility to tell other members not only what I think and feel, but why. I recognize that what I permit to occur, I promote. If I do not speak out I am likely to be viewed as in support. I will present my views in a forthright, positive manner and respond to questions clearly-and directly.
4. I appreciate different points of view and take responsibility to tell other members not only what I think and feel, but why. If I do not speak out I am likely to be viewed as in support. I will present my views in a forthright, positive manner and respond to questions clearly-and directly.
5. I will listen, check out facts and feelings, and work toward understanding, acceptance and support. I will seek to finish discussion on ideas and issues before going on, I will focus on specifics as opposed to generalities, and reserve the right to correct major misinformation.
6. I will bring positions to the group first before taking them public. I will seek to avoid surprising others by giving advance notice (with sufficient time to review data) of significant matters to be introduced at meetings.
7. I will strive for win/win agreements. I will support the collective decision-making of the group. If I disagree with a decision made by the group, I will voice my opinion without personalizing the issue.
8. I will focus on the present and future and use the past only as data for the present and the future. I will not bring up old issues, and once a group decision is made, I will accept it and move on.
9. I will praise in public and criticize in private. I will avoid put-downs (including put-down humor) and attempts to "find fault" or "pin blame." If I have a concern or issue with another member, I will go to that individual first in an appropriate, private, and timely manner and share that concern.
10. I will look for and acknowledge things that go right. I will seek to have fun and encourage others to have fun.

Chapter 2.04

CITY COUNCIL

Sections:

Article I. Authority

- 2.04.010 Authority.
 - 2.04.020 Purpose.
 - 2.04.030 Adoption and amendment of rules.
 - 2.04.040 Presiding officer— Designated.
 - 2.04.050 Presiding officer— Powers and duties.
 - 2.04.060 Signing of documents.
- Article II. Meetings
- 2.04.070 Regular meetings.
 - 2.04.080 Special meetings.
 - 2.04.090 Executive sessions.
 - 2.04.095 Confidentiality.
 - 2.04.100 Quorum.
 - 2.04.110 Agenda.
 - 2.04.120 Staff attendance of meetings.
 - 2.04.130 Minutes.
 - 2.04.140 Order of business.
 - 2.04.150 Discussion of business.
 - 2.04.160 Motion procedure.
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 - 2.04.220 Attendance of council members.
 - 2.04.230 Seating arrangements.

- 2.04.240 Right to speak.
- 2.04.250 Dissents and protests.
- 2.04.260 Right of appeal.
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Article III. Ordinances and Resolutions

- 2.04.310 Preparation and introduction.
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- 2.04.360 Oral communications.
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- 2.04.390 Council-staff relations.
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- 2.04.420 Council chambers.

Article I. Authority

2.04.010 Authority.

These rules are adopted pursuant to Section 20 of the Milwaukie Charter, which requires that the council adopt rules governing its meetings and procedures by general ordinance. (Ord. 1812 § 1, 1996; Ord. 1480 § 1(A), 1981)

2.04.020

2.04.020 Purpose.

The rules set forth in this chapter are adopted for the purpose of providing guidance for council action, providing fair and open deliberation on all questions before the council, expediting council business and ensuring good relationships between the council and the city staff. (Ord. 1480 § 1(B), 1981)

2.04.030 Adoption and amendment of rules.

These rules may be amended or new rules adopted by ordinance. Any proposed changes shall be distributed to the councilors in advance and considered under "other business" on the regular council agenda. (Ord. 1812 § 2, 1996; Ord. 1480 § 1(C), 1981)

2.04.040 Presiding officer—Designated.

The mayor, or in the absence of the mayor, the council president, shall be the presiding officer at all meetings. The council president shall be elected at the first meeting following the seating of any new duly elected members. In the case of the absence of the mayor and the council president, the city recorder shall call the meeting to order and the council shall elect a chairperson by majority vote. (Ord. 1779 (part), 1995; Ord. 1480 § 2(A), 1981)

2.04.050 Presiding officer—Powers and duties.

The presiding officer shall conduct all meetings, preserve order, enforce the rules of the council and determine the order and length of discussion on any matter before the council, subject to these rules. The presiding officer may move, second, debate

and vote and shall not be deprived of any of the rights and privileges of a councilor. (Ord. 1480 § 2(B), 1981)

2.04.060 Signing of documents.

The mayor shall sign all ordinances, resolutions, contracts and other documents, except where authority to sign certain contracts and other documents has been delegated to the city manager, and all documents shall be attested to by the city recorder. (Ord. 1480 § 2(C), 1981)

Article II. Meetings**2.04.070 Regular meetings.**

Regular meetings shall be held on the first and third Tuesday of each month at six p.m. in the council chambers at City Hall, 10722 SE Main. Regular meetings may be held at a different time and place by giving appropriate notice at least twenty-four hours in advance. Two regular meetings shall be held each month. (Ord. 1840 § 1, 1998; Ord. 1480 § 3(A), 1981)

2.04.080 Special meetings.

Special meetings may be called by the mayor or two other councilors, and appropriate notice shall be given to the remaining councilors, the city manager, city attorney and the public. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except that for which the meeting is called. (Ord. 1480 § 3(B), 1981)

2.04.090 Executive sessions.

All meetings shall be held in compliance with ORS 192.610 to 192.690 (Public Meeting Law). The council may hold closed meetings (executive sessions) pursuant to ORS 192.660. A motion or notice calling for an executive session shall identify the specific statutory authorization. Media representatives will be allowed to attend executive sessions, but the council may require that certain information shall not be disclosed. Final action on any matter discussed in executive session must be taken at an open meeting. (Ord. 1812 § 3, 1996; Ord. 1592 § 1, 1986; Ord. 1480 § 3(C), 1981)

2.04.095 Confidentiality.

A. Councilors will keep all written materials and verbal information provided 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 councilors, the city manager or the city attorney.

B. If the council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the other parties shall be made by designated staff or representatives handling the negotiations or litigation. A councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

C. If a councilor does not refrain from disclosing such information as required by the council rules, the council shall convene

and discuss the matter in an executive session. (Ord. 1807 § 1, 1996)

2.04.100 Quorum.

Three members of the council constitute a quorum for the conduct of business, but a smaller number may meet to compel the attendance of absent members. (Ord. 1480 § 3(D), 1981)

2.04.110 Agenda.

Documents to be submitted to the council shall be delivered to the city manager no later than twelve noon on the third working day preceding a regular meeting and no later than twenty-four hours prior to a special meeting. Copies of the agenda materials shall be distributed to each councilor, the city manager, city attorney and others as designated by the council or city manager at least forty-eight hours prior to any regular meeting. Copies of the printed agenda page will be made available to the public at the meeting. (Ord. 1480 § 3(E), 1981)

2.04.120 Staff attendance of meetings.

Unless excused by the council, the city manager and city attorney shall attend all regular and special meetings. The city recorder, finance director and public works director shall attend all regular meetings and those special meetings where their attendance is required, unless excused by the city manager. In the event a staff member is unable to attend a particular meeting, an alternate may be required. (Ord. 1480 § 3(F), 1981)

2.04.130 Minutes.

All meetings shall be tape-recorded, and

2.04.130

the tapes of all open meetings shall be made available for public examination in the office of the city recorder. The recorder shall prepare written minutes of all open regular and special meetings, which shall be approved by the council and made available for public inspection. Written minutes shall include the names of all councilors present, all motions, resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes, with the vote of each councilor by name unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed. (Ord. 1812 § 4, 1996; Ord. 1480 § 3(G), 1981)

2.04.140 Order of business.

A. All regular meetings shall have the following order of business:

1. Call to order;
2. Proclamations, commendations, special reports and awards;
3. Consent agenda;
4. Audience participation (for items not on the agenda);
5. Public hearings;
6. Other business;
7. Information items;
8. Adjournment of regular session; and
9. Executive sessions, as necessary.

B. The order of business may be changed by the presiding officer or majority vote of the remaining councilors. (Ord. 1790, 1995; Ord. 1779 (part), 1995; Ord. 1678, 1990; Ord. 1480 § 7(A), 1981)

2.04.150 Discussion of business.

A. The right to discuss the business before the council is reserved exclusively for councilors, the manager and the city attorney, with the following exceptions:

1. Public hearings;
2. Employee complaints;
3. Audience participation agenda.

B. The presiding officer may recognize any city staff member or member of the audience for discussion of any matter before the council. (Ord. 1480 § 7(B), 1981)

2.04.160 Motion procedure.

When a motion is moved and seconded, it shall be stated by the presiding officer for debate. A motion once made may not be withdrawn by the mover without the consent of the councilor seconding it and the approval of the council. The presiding officer may rule an improper motion out of order or, if the question involves two or more propositions, divide it into two separate questions. No councilor shall be allowed to speak more than once on a particular question until every other councilor has had an opportunity to do so. (Ord. 1480 § 7(C), 1981)

2.04.170 Motion to postpone or table.

A motion to postpone may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority. (Ord. 1480 § 7(D), 1981)

2.04.180 Motion to recess or adjourn.

A. A motion to adjourn shall be in order at any time except:

1. When repeated without intervening discussion;

2. When made to interrupt another member;

3. When the previous question has been called;

4. When a vote is being taken.

B. A motion to adjourn is debatable only as to time of adjournment. When the meeting agenda includes one or more public hearings, meetings may be adjourned no later than eleven p.m. If there are no public hearings scheduled, meetings may be adjourned no later than ten p.m. However, the adjournment time may be extended by majority vote. (Ord. 1812 § 5, 1996; Ord. 1480 § 7(E), 1981)

2.04.190 Point of order.

Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any councilor to appeal the decision to all council members present. (Ord. 1812 § 6 1996; Ord. 1480 § 7(F), 1981)

2.04.200 Procedure in absence of rules.

In the absence of a rule to govern a point or procedure, reference shall be made to accepted practice in parliamentary bodies. Disputes involving procedural matters shall be settled by reference to Robert's Rules of Order, Revised. (Ord. 1480 § 7(G), 1981)

2.04.210 Effect and suspension of rules.

The rules in this chapter are procedural only, and the failure to strictly observe them shall not invalidate any action taken. Any rule contained in this chapter may be temporarily suspended at any meeting by majority vote of all council members present.

(Ord. 1812 § 7, 1996; Ord. 1480 § 7(H), 1981)

2.04.220 Attendance of council members.

Members are expected to attend all meetings. In the event a member is absent from a meeting the council shall determine whether the member's absence will be excused. No member may leave during a meeting without the consent of the presiding officer. (Ord. 1489 § 3, 1981; Ord. 1480 § 4(A), 1981)

2.04.230 Seating arrangements.

Members shall occupy seats in the council chamber assigned to them by the mayor. New councilors will occupy the seats of the individuals they replaced unless instructed otherwise. (Ord. 1480 § 4(B), 1981)

2.04.240 Right to speak.

Members shall have the right to speak on any matter properly before the council and shall not be interrupted unless called to order by the presiding officer or unless a point of order or personal privilege is raised by another member. (Ord. 1480 § 4(C), 1981)

2.04.250 Dissents and protests.

Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reasons therefor entered in the minutes in summary form. (Ord. 1480 § 4(D), 1981)

2.04.260 Right of appeal.

Any councilor may appeal from a ruling of the presiding officer, and the ruling may be overruled by majority vote. (Ord. 1480 § 4(E), 1981)

2.04.270

2.04.270 Decorum.

During council meetings, council members shall preserve order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings. Councilors shall confine their remarks to the question under debate and avoid all personalities and indecorous language. (Ord. 1480 § 4(F), 1981)

2.04.280 Question of personal privilege.

A councilor may interrupt another councilor and address the council on a question of personal privilege in cases where the member's integrity, character or motives are questioned, if the presiding officer recognizes the privilege. (Ord. 1480 § 4(G), 1981)

2.04.290 Government standards and practices.

A. Councilors shall review and observe the requirements of the Government Standards and Practices Law (ORS 224.010 to 244.390) dealing with the use of public office for private financial gain. Councilors shall give public notice of any potential conflict of interest, and the notice will be reported in the meeting minutes. In addition to matters of financial interest, councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the council. This general obligation includes the duty to refrain from:

1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public;
2. Making decisions involving business associates, customers, clients and competitors;

3. Violating council rules;
4. Appointing relatives, clients or employees to boards and commissions;
5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;
6. Seeking employment of relatives with the city;
7. Actions benefitting special interest groups at the expense of the city as a whole;
8. Attending meetings or participating in decisions of city boards and commissions where there is a possibility of appeal of the matter to the council;
9. Expressing an opinion which is contrary to the official position of the council without so stating.

B. In general, councilors shall conduct themselves so as to bring credit upon the government of the city by respecting the rule of law, ensuring nondiscriminatory delivery of public services, keeping informed concerning the matters coming before the council and abiding by all decisions of the council, whether or not the member voted on the prevailing side. (Ord. 1812 § 8, 1996; Ord. 1480 § 4(H), 1981)

2.04.300 Voting requirements.

A. Requirement. The concurrence of a majority of all the council members present is required to determine any matter before the council. Each councilor must vote on all questions before the council unless the member has a conflict of interest which would disqualify the member from voting. If a member abstains, the reasons for the abstention shall be entered in the record. Unless a councilor abstains, the member's silence when the vote is taken shall be considered an affirmative vote.

B. **Statement of the Question.** Immediately prior to the vote, the presiding officer shall restate the question. Following the vote, the presiding officer shall announce whether the question carried or was defeated. The presiding officer may also publicly state the effect of a vote for the benefit of the audience.

C. **Roll Call Vote.** At the request of any councilor, any question shall be voted on by roll call.

D. **Tie Vote.** In the case of a tie vote on any proposal, the proposal shall be considered lost.

E. **Changing Vote.** A councilor may change his or her vote only if the action is taken immediately following the last vote cast and prior to the time that the result of the vote is announced. A councilor shall not be allowed to withdraw an abstention.

F. **Motion to Reconsider.** A motion to reconsider any action may be made only at the same meeting where the action was taken, by a councilor on the prevailing side of the question. Any councilor may make a motion on the same question at any subsequent meeting.

G. **Record of Votes.** Unless the vote is unanimous, the ayes and nays of each councilor shall be entered in the minutes. (Ord. 1812 § 9, 1996; Ord. 1480 § 5(A—G), 1981)

Article III. Ordinances and Resolutions

2.04.310 Preparation and introduction.

All ordinances and resolutions shall be prepared under the supervision of the city attorney and shall be approved as to form by the city attorney. Ordinances and resolutions may be introduced by a member of the

council, the city manager, the city attorney or any department head. Each proposed ordinance or resolution shall be accompanied by a written summary of the action proposed in a form approved by the city attorney. (Ord. 1480 § 6(A), 1981)

2.04.320 Distribution of copies.

Whenever possible, copies of a proposed ordinance or resolution shall be made available for public inspection one week prior to the first meeting where they are to be considered. The city recorder shall make sufficient copies for distribution with the agenda packets and for posting for public inspection at the time the ordinance or resolution is considered. (Ord. 1480 § 6(B), 1981)

2.04.330 Reading at council meetings.

Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title only. Before being considered for adoption, an ordinance shall be read in full at two separate council meetings, except that an ordinance may be adopted at a single meeting by unanimous vote of all council members present after being read once in full and once by title. Both of the readings may be by title only if no councilor objects or if copies are provided each councilor and three copies are available for public inspection one week before the first reading and notice is given as provided in Section 31(c) of the City Charter. (Ord. 1812 § 10, 1996; Ord. 1480 § 6(C), 1981)

2.04.340 Effective date.

Ordinances shall be effective on the thirtieth day following the date of adoption, unless the ordinance provides that it will

2.04.340

become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for the immediate preservation of the public peace, property, health, safety or morals may provide that it will become effective upon adoption. Resolutions shall be effective upon adoption. (Ord. 1480 § 6(D), 1981)

2.04.350 Posting.

All ordinances shall be posted for ten days after the date of adoption in conspicuous places in City Hall and the library. (Ord. 1480 § 6(E), 1981)

**Article IV. Communication with
Council**

2.04.360 Oral communications.

Comments from persons other than the council, city manager or city attorney will be entertained only during the part of the agenda where public comments are permitted or at the discretion of the presiding officer. The person addressing the council shall first ask to be recognized and then give his or her name and address for the record. Persons addressing the council shall also complete an information card for the record and return it to the city recorder. All remarks shall be directed to the whole council and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent or slanderous. In the event a member of the audience refuses to abide by the presiding officer's order, that person may be denied further opportunity to address the council and may be removed upon order of the presiding officer. The order in which audience comments are received is left to the discretion of the presiding officer,

subject to these rules. The presiding officer may request that a spokesman be selected for a group of persons wishing to speak. (Ord. 1480 § 7(A), 1981)

2.04.370 Written communications.

Written communications addressed to the council shall be forwarded to the council by submission to the city manager prior to the meeting to be placed with the agenda materials or by submission to the presiding officer during the meeting. The presiding officer shall announce the submission of any written communication and reference shall be entered in the minutes. (Ord. 1480 § 7(B), 1981)

2.04.380 Public hearings.

A. Public hearings include all items on the agenda on which the public has the right to be heard by law. The order of presentation of testimony at public hearings is as follows:

1. Staff report;
2. Correspondence;
3. Applicant's presentation;
4. Other testimony in favor of the application;
5. Opponent's testimony;
6. Neutral testimony;
7. Additional staff comments;
8. Questions and answers and general comments (at the discretion of the presiding officer); and
9. Applicant's final remarks.

B. Following the presentation of testimony, the presiding officer shall close the hearing and ask for discussion among the councilors. No further testimony or evidence will be accepted without approval of the presiding officer. All hearings shall be conducted in a fair and open manner. Coun-

cilors shall particularly observe the requirements of hearings on land use matters dealing with ex parte contacts. (Ord. 1812 § 11, 1996; Ord. 1480 § 7(C), 1981)

Article V. Miscellaneous

2.04.390 Council-staff relations.

Councilors shall respect the separation between policy-making and administration by:

A. Not attempting to influence or coerce the city manager concerning personnel or purchasing, as outlined in Section 27(f) of the City Charter;

B. Addressing all inquiries and requests for information from staff to the city manager or city attorney and allowing sufficient time for response. At the discretion of the manager or attorney, inquiries may be forwarded to the full council for consideration.

C. Limiting individual contacts with city officers and employees so as not to influence staff decisions or recommendations, undermine the authority of supervisors or prevent the full council from having the benefit of any information received;

D. Honoring the confidentiality of discussions with the city attorney;

E. Attempting to work together with the staff as a team in a spirit of mutual confidence and support. (Ord. 1812 § 12, 1996; Ord. 1480 § 9(A), 1981)

2.04.400 Complaints.

Complaints concerning city policies shall be addressed to and heard by the council. Complaints concerning actions of city boards and commissions shall be referred to the particular body for comment. All complaints with respect to the management of the city or the actions of any city employee

shall be referred to the city manager for action. The manager may be requested to provide the council a written report of the resolution of the complaint. In all instances deemed appropriate by the council, the council may investigate or cause to be investigated through a formal hearing or otherwise the administration of any department. (Ord. 1480 § 9(B), 1981)

2.04.420 Council chambers.

The council chambers shall be under the supervision and control of the city recorder when council is not in session. The recorder shall establish procedures for use of the council chambers by other city bodies and private groups and shall have authority to schedule or cancel such use as necessary. (Ord. 1480 § 9(D), 1981)

2.06.010

Chapter 2.06**PERSONNEL ADMINISTRATION****Sections:**

- 2.06.010** **City manager responsibilities.**
- 2.06.020** **Compensation.**

2.06.010 **City manager responsibilities.**

The city manager, pursuant to Section 27(C)(3) of the city charter, has the authority and responsibility for all aspects of the city's personnel administration system for all city officers and employees except the city attorney, municipal judge and city council. The city manager shall adopt rules by written directive, containing procedures and practices governing the city's personnel administration system. The city manager may from time to time amend those rules by written directive. The city manager shall advise the city council of the adoption or amendment of city personnel rules. The city manager may delegate to one or more persons authority to act for the manager in the administration of the city's personnel system. (Ord. 1699 § 1 (part), 1991)

2.06.020 **Compensation.**

The city council shall prescribe the compensation for the city manager, city attorney and municipal judge. Compensation for all other city officers and employees shall be established as prescribed by the personnel rules adopted by the city manager, subject to any applicable collective bargaining process and the city's normal budgeting process. (Ord. 1699 § 1 (part), 1991)

Chapter 2.08

RULES OF THE CITY COUNCIL

Sections:

Article I. Time and Place of Council

Meetings.

- 2.08.010 Regular council meetings.
- 2.08.020 Special council meetings.
- 2.08.030 Emergency council meetings.
- 2.08.040 Workshop meetings.
- 2.08.050 Executive session.

Article II. The Conduct of Council Meetings.

- 2.08.060 Presiding officer.
- 2.08.070 Councilor attendance at meetings.
- 2.08.080 The meeting agenda.
- 2.08.090 Order of business.
- 2.08.100 Citizen comment.
- 2.08.110 Consent agenda.
- 2.08.120 Public hearings.
- 2.08.130 Council meeting staffing.
- 2.08.140 Public members addressing the council.
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Article III. Rules of Procedure.

- 2.08.160 General rule.
- 2.08.170 Voting.
- 2.08.180 Council discussion.
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Article IV. Council Protocols.

- 2.08.200 Confidential information.
- 2.08.210 Executive sessions.
- 2.08.220 Relationship with staff.
- 2.08.230 Public communications by council members.
- 2.08.240 Council expenses.
- 2.08.250 Relationship with committees and commissions.
- 2.08.260 Evaluation of city administrator.

Article V. Amendment and Suspension of Rules.

- 2.08.270 Suspension.
- 2.08.280 Amendment.

Article I. Time and Place of Council Meetings.

- 2.08.010 Regular council meetings.
Regular council meetings are on the second and fourth Tuesdays of each month at seven p.m. Council meetings are held at Troutdale City Hall, 104 SE Kibling Avenue, Troutdale, Oregon, or at any place that the council may direct. The council shall endeavor to adjourn regular and workshop meetings by ten p.m. or as close thereto as possible. (Ord. 608 § 2 (part), 1994)

2.08.020 Special council meetings.

The mayor or three councilors may schedule a special meeting of the council by giving notice to each council member at least twenty-four hours in advance of the meeting. Notice may be given to each council member in person, by messenger, by telephone or telefax, or by electronic communication. No business other than that for

which a special meeting is called can be transacted at a special meeting. (Ord. 608 § 2 (part), 1994)

2.08.030 Emergency council meetings.

An emergency special meeting of the council may be called by giving not less than two hours notice. The council must declare the nature of the emergency as its first order of business in an emergency meeting. (Ord. 608 § 2 (part), 1994)

2.08.040 Workshop meetings.

Workshop meetings are usually informal sessions to preview upcoming issues, review programs, interview applicants or receive information from staff. Workshop meetings are often held on Tuesday evenings when a regular council meeting is not scheduled. Final decisions on issues can be made at workshops when appropriate. Workshop meetings are scheduled by consensus of the council or direction of the mayor. (Ord. 608 § 2 (part), 1994)

2.08.050 Executive session.

The council may hold executive sessions if consistent with state law. The purpose of an executive session is announced publicly prior to the session. The discussion is limited to the announced purpose. No final action or decision is made at an executive session. Media representatives may attend subject to the understanding that the discussions in executive session will not be reported. The council may bar from executive sessions any media representative who violates this understanding. Media representatives may be barred from executive sessions concerning labor negotiations. (Ord. 608 § 2 (part), 1994)

Article II. The Conduct of Council Meetings.

2.08.060 Presiding officer.

The mayor is the presiding officer of the council. In the mayor's absence from a council meeting the council president presides. In the absence of both the mayor and council president, the council appoints a presiding officer for the meeting. The presiding officer preserves order at council meetings, recognizes speakers and decides all questions of order. The presiding officer shall avoid partisan advocacy of an issue. Any ruling of the presiding officer on a question of order is subject to appeal to the council by any two councilors. A councilor may speak more than once on any such appeal only with permission of the council. (Ord. 608 § 2 (part), 1994)

2.08.070 Councilor attendance at meetings.

A councilor shall inform the mayor, city administrator or city recorder if the councilor is unable to attend a council meeting. When necessary a councilor may participate in a council meeting through the use of telephone or other electronic communication. (Ord. 608 § 2 (part), 1994)

2.08.080 The meeting agenda.

The mayor and city administrator prepare an agenda for each council meeting giving a brief description of each item to be considered. Items may be placed on the written agenda by the mayor, any councilor, the city administrator, the city attorney or any resident of the city by filing a written request with the city recorder at least fourteen days in advance of the meeting. An item may be placed on a council agenda after the

agenda is closed and notice published only by permission of the mayor or approval of two-thirds of the councilors present at the meeting. No councilor shall be listed as a proponent or sponsor of an agenda item without the councilor's consent. (Ord. 608 § 2 (part), 1994)

2.08.090 Order of business.

A. The order of business at regular council meetings is:

1. Opening;
2. Approval of minutes and consent agenda;
3. Proclamations, presentations;
4. Citizen comments on nonagenda and consent agenda items;
5. Public hearings;
6. Other items of business (adoption of ordinances, resolutions, orders and other measures);
7. City administrator and staff reports;
8. Items from the mayor and city councilors;
9. Adjournment.

B. The mayor, with the concurrence of the council, may consider agenda items out of order. (Ord. 608 § 2 (part), 1994)

2.08.100 Citizen comment.

The citizen comment portion of the meeting is limited to comments on nonagenda and consent agenda items. Remarks shall be limited to five minutes for each speaker unless a different time is allowed by the mayor. The council and mayor should avoid immediate and protracted response to citizen comments. (Ord. 608 § 2 (part), 1994)

2.08.110 Consent agenda.

In order to make more efficient use of meeting time, all ordinances, resolutions and requests which are routine in nature and not likely to be controversial are placed on the consent agenda. To clarify the consent agenda for people watching the meeting, the mayor reads item titles and explains the items. Any item on the consent agenda may be removed by request of a councilor (made before the adoption of consent agenda motion is made) and placed on the "other items of business" part of the agenda. The consent agenda is adopted by a single motion which is not debatable. If there are dissenting votes, each item on the consent agenda is voted upon separately. (Ord. 608 § 2 (part), 1994)

2.08.120 Public hearings.

The presiding officer, with permission of the council, may limit the amount of time devoted to public testimony and time allotted for each speaker at a public hearing. These restrictions are announced prior to the start of the public hearing. The council may designate a hearings officer to conduct public hearings. (Ord. 608 § 2 (part), 1994)

2.08.130 Council meeting staffing.

The city administrator attends all council meetings unless excused. The city administrator may make recommendations to the council and participate in all council discussions. The city administrator or the administrator's designee acts as the sergeant-at-arms. The city attorney attends all regular council meetings as invited, gives opinions on legal issues and acts as the council's parliamentarian and as interpreter of these rules. The city recorder keeps the minutes and any official journal. Depart-

D. A motion that receives a tie vote fails.

E. A motion to table is not debatable and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular meeting, at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.

F. A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting or at a specifically identified later meeting.

G. A motion to postpone indefinitely is debatable and is not amendable, and may be reconsidered at the same meeting only if it received an affirmative vote. The object of this motion is not to postpone, but to reject the question without risking a direct vote when the maker of this motion is in doubt as to the outcome of the question.

H. A motion to call for the question closes debate on the main motion and is not debatable. This motion must receive a second and fails without a two-thirds vote of the councilors present. Debate is reopened if the motion fails.

I. A motion to amend can be made to a motion that is on the floor and is seconded. Motions that cannot be amended are: motion to adjourn, agenda order, lay on the table, point of order, reconsideration and take from the table. A motion to amend an amendment is not in order. Amendments are voted upon first, and then the main motion as amended.

J. Council discusses a motion only after it has been moved and seconded. The mo-

tion maker, presiding officer or recorder repeats the motion prior to any vote.

K. When a question has been decided, any councilor who voted on the prevailing side may move for reconsideration at the same or next meeting. Once a matter has been reconsidered, no motion for further reconsideration is in order without unanimous consent of the council.

L. All cases not provided for in these rules are governed by Roberts Rules of Order (Revised). (Ord. 608 § 2 (part), 1994)

Article IV. Council Protocols.

2.08.200 Confidential information.

Councilors will keep secret the content of materials which are confidential under law. No mention of confidential information read or heard should be made to anyone other than other councilors, the mayor, the city administrator or the city attorney. (Ord. 608 § 2 (part), 1994)

2.08.210 Executive sessions.

If the council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations (e.g., property acquisition or disposal, existing or likely litigation, employee negotiations), contact with the opposing party is by the designated representative handling the negotiations. A councilor does not contact or discuss the negotiations with the other party or the party's representative or communicate to anyone the substance of discussions held in executive session. (Ord. 608 § 2 (part), 1994)

ment heads and other staff attend council meetings upon the request of the mayor, or the city administrator. All staff members desiring to address the council must first be recognized by the presiding officer. Staff may respond to questions or comments by the council or members of the public with permission of the presiding officer and in a polite, tactful manner. (Ord. 608 § 2 (part), 1994)

**2.08.140 Public members
addressing the council.**

Any member of the public desiring to address the council must first be recognized by the presiding officer. Before speaking, a person states his or her name and address. Remarks are limited to the question under discussion. Remarks are addressed to the presiding officer and no person speaks more than once on a subject until all others wishing to speak have spoken. No person addresses the council after a motion is made or after a public hearing is closed, without permission of the presiding officer. (Ord. 608 § 2 (part), 1994)

2.08.150 Order and decorum.

A. The sergeant-at-arms, at the direction of the presiding officer, shall remove any person from the council chambers or meeting hall for the duration of a council meeting because of:

1. Use of unreasonably loud or disruptive language;
2. Making of loud or disruptive noise;
3. Engaging in violent or distracting action;
4. Wilful injury of furnishings or of the interior of the council chambers or meeting hall;

5. Refusal to obey any of these council rules; and

6. Refusal to obey an order of the presiding officer or an order issued by a councilor which has been approved by a majority of the councilors present.

B. Unreasonably loud or disruptive language, noise or conduct is that which obstructs the work of the council. The council recognizes constitutional protection for speech and petitioning and these proscriptions shall be interpreted not to impair any constitutional right. Before removal of any person, the person shall be given a warning to cease the offending conduct. If a meeting is disrupted by members of the audience, the presiding officer or a majority of the councilors present may order that the council chambers or meeting hall be cleared.

C. No flags, posters, placards or signs, unless authorized by the presiding officer, may be carried or placed within the council chambers or meeting hall. This restriction does not apply to arm bands, emblems, badges or other articles worn on person or clothing, provided these devices do not interfere with the vision or hearing of other persons at the meeting and do not extend from the body in a manner likely to cause injury to another. This restriction is needed to protect the vision, hearing and participation of all members of the public in a council meeting and to protect persons from injury. (Ord. 608 § 2 (part), 1994)

Article III. Rules of Procedure.

2.08.160 General rule.

The council has an obligation to be clear and simple in its procedures and the consideration of questions coming before it. It should avoid invoking the finer points of

parliamentary rules which may serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens of the city in general. (Ord. 608 § 2 (part), 1994)

2.08.170 Voting.

The vote on motions to read or adopt ordinances and resolutions is taken by roll call vote. All other votes may be by calling for "ayes" and "nos." Any councilor may request and obtain a roll call vote on any item. At the conclusion of any vote, the recorder informs the presiding officer of the results of the vote, and the presiding officer announces the vote. A councilor does not explain his or her vote during roll call. Any council member may change the member's vote prior to the next order of business. The council president or appointed presiding officer acting temporarily as mayor may vote in all cases. Every councilor present when a question is put votes for or against the question unless excused by the council or required by law to abstain. (Ord. 608 § 2 (part), 1994)

2.08.180 Council discussion.

The following general rules govern council discussion and debate:

A. When any councilor is about to speak in debate or deliver any matter to the council, the councilor shall respectfully address the presiding officer and shall confine remarks to the question in debate and avoid personalities.

B. When a motion is made and seconded, no councilor shall speak more than twice on the motion without permission of the council, nor more than once until every member shall have had the opportunity to speak on the motion.

C. During public hearings, councilors are open to the ideas and testimony of citizens and suspend judgement until review of all information and testimony is completed.

D. When an action is deferred, the council specifies what additional information is needed and when an item will be reconsidered.

E. Questions are asked to clarify information rather than to state an opinion. When possible, councilors ask staff questions before a meeting.

F. Councilors are brief and succinct in stating views. Councilors are open, direct and candid in their communications with each other. Councilors should avoid personal attacks.

G. Remarks are limited to the question at hand. City policy should not be changed during consideration of a specific question. Instead, policy changes should be scheduled separately on a future agenda.

H. The council does not attempt to edit or rewrite prepared ordinances during public meetings because of the potential impact on other issues. Amendments to ordinances are appropriate. (Ord. 608 § 2 (part), 1994)

2.08.190 Motions.

The following rules govern motions:

A. A motion is clearly and concisely stated by its mover. The presiding officer states the name of the councilor making the motion and the name of the councilor seconding the motion.

B. A motion may be withdrawn by the mover at any time without the consent of the council.

C. If a motion does not receive a second, it dies. Nominations, withdrawal of motions, agenda order and point of orders can proceed without a second.

2.08.220 Relationship with staff.

A. A councilor who desires major policy or ordinance research from the city attorney should obtain approval from the council or mayor before requesting the services. A councilor who desires research or substantial compilation of information by a staff member should obtain approval of the mayor or city administrator. Any written informational material requested by a councilor or the mayor is distributed to the entire council with a notation indicating which council member requested the information.

B. Mayor and council requests for information can be made directly to staff. If the request would create a change in work assignments for any staff member, the request must be made to the city administrator.

C. All written informational material requested by individual councilors or the mayor will be submitted by staff to the entire council with a notation indicating which councilor requested information.

D. Mayor and councilors will not attempt to coerce or influence staff in the making of appointments, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of city licenses and permits.

E. Mayor and councilors will not attempt to change or interfere with the operating rules and practices of any city department. The city administrator will designate the necessary staff to conduct business for the councilors, including handling correspondence, arranging appointments and making travel arrangements. (Ord. 608 § 2 (part), 1994)

2.08.230 Public communications by council members.

Council members note whether they speak for themselves or for the council in written and oral communications to other officials, the public and the news media. (Ord. 608 § 2 (part), 1994)

2.08.240 Council expenses.

The council follows the rules and procedures for reimbursement of incurred expenses applicable to city employees. (Ord. 608 § 2 (part), 1994)

2.08.250 Relationship with committees and commissions.

Councilors have the right to attend meetings of city committees, commissions and task forces, but should not become involved in discussions of those groups unless they are liaison members of those bodies. (Ord. 608 § 2 (part), 1994)

2.08.260 Evaluation of city administrator.

The council periodically evaluates the performance of the city administrator and the city attorney. The standards and evaluation form used in these processes are adopted at a regular council meeting. All council members participate in furnishing written evaluations of the administrator. The council may authorize the mayor or a council subcommittee to meet with the administrator to summarize the evaluations. The mayor or the subcommittee may make recommendations to the council. If the council conducts an evaluation session, the administrator decides whether the session is open or closed to the public. The administrator has the right to respond to comments made

during the session. Following an evaluation session, the council and mayor may take appropriate action, including amendments to the employment agreement and termination of employment. (Ord. 608 § 2 (part), 1994)

**Article V. Amendment and Suspension
of Rules.**

2.08.270 Suspension.

Any provision of these rules not governed by state law, city charter or city code may be suspended temporarily by an affirmative vote of four councilors. (Ord. 608 § 2 (part), 1994)

2.08.280 Amendment.

These rules may be amended or new rules adopted by an affirmative vote of four councilors. (Ord. 608 § 2 (part), 1994)