



CITY OF MYRTLE CREEK
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HANDBOOK FOR CITY COUNCILORS



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City Council

Matthew Hald	Mayor	Term Expires December 2022
Vacant	Position #1	Term Expires December 2024
Angie Criss	Position #2	Term Expires December 2022
Susan Harris	Position #3	Term Expires December 2024
Kathi Otero	Position #4	Term Expires December 2022
Bill Burnett	Position #5	Term Expires December 2024

CITY OF MYRTLE CREEK HANDBOOK

I. INTRODUCTION

This handbook provides elected officials with general information regarding the City Charter; the Municipal Code; Council meeting procedures; the relationship between elected officials and the City Administrator, City staff and the news media; an overview of the various committees and commissions of the City; and other helpful hints to assist elected officials in becoming more familiar with their role in local government

Successful and effective meetings don't just happen; they require a great deal of hard work and thorough planning. Most people are not trained to run, or be involved in, the type of meetings common in city government. Prior to serving as an elected official, most local government officials have received little or no training in arriving at decisions in the "fishbowl" atmosphere demanded by the public. If practiced regularly, the procedures and guidelines in this handbook should help in three general areas. These are:

1. Utilizing meeting time as efficiently as possible by:
 - coming to meetings prepared to intelligently discuss the items on the agenda
 - assisting in the development of, and adhering to, a workable agenda; and
 - using a systematic approach to problem solving;
2. Involving citizens as much as possible in the decision making process by creating a climate that makes people feel welcome at meetings and confident in the abilities and professionalism of their elected officials;
3. Working effectively as a team with the City Administrator, staff, and the community.

II. MYRTLE CREEK CITY CHARTER PROVISIONS

GRANTING AND VESTING OF POWERS The City Council operates under a charter which was voted on and approved by the citizens of Myrtle Creek, which requires the Council to follow the laws and ordinances of the City, and the laws of the State of Oregon and the United States Government. Unless the Charter provides to the contrary, all powers of the City is vested in the City Council, the representative legislative body of the City. Any revision or amendment to the Myrtle Creek City Charter requires a vote of the electors.

III. MYRTLE CREEK MUNICIPAL CODE

CODE ADOPTION The Myrtle Creek Municipal Code is a compilation of regulatory and penal ordinances, and certain administrative ordinances of the City, as adopted by the Council and approved by the Mayor. The Code may only be amended by an ordinance adopting such amendment. The Code is broken down into titles, chapters, sections and subsections.

IV. CITY COUNCIL MEETING PROCEDURES

PUBLIC MEETINGS LAW The Oregon form of government requires an informed public, aware of the deliberations and decisions of governing bodies. It is therefore the intent of State law that decisions of governing bodies be arrived at openly. In accordance with Public Meetings Law, all official meetings of the Council, for which a quorum is present, except where exempted by State Law, shall be open to the public. However, the right of public attendance guaranteed by the Public Meetings Law does not include the right to participate by public testimony or comment. If a citizen believes that a governing body has violated the Public Meetings Law, the citizen's only official recourse is a private civil lawsuit against the governing body. The only types of official gatherings of the Council that are statutorily excluded from the definition of "meeting" as outlined in the Public Meetings Law, are on-site inspections of projects or programs, and attendance of Council at a gathering of any national, regional, or state association to which the Council or members thereof, belong. The Public Meetings Law requires that public notice be given of the time and place of all meetings of the Council.

PARLIAMENTARY PROCEDURES "Robert's Rules of Order" shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

REGULAR MEETINGS Regular meetings of the Myrtle Creek City Council shall be held on the first and third Tuesday of each month beginning at 5:30 p.m. All regular evening meetings of the Council shall be held in the Myrtle Creek City Hall Council Chambers, unless another location is specified in advance of the meeting.

SPECIAL MEETINGS Special meetings may be called by the Mayor. The call for a special meeting shall be filed with the City Recorder who shall notify the news media at least 24 hours before such meeting is conducted. Notice of a special meeting shall specify the day, the hour, and the location of such meeting and shall list the subject or subjects to be considered. Only such business as specified in the notice shall be discussed and transacted at the special meeting.

EMERGENCY MEETINGS An emergency meeting of the Council may be called on less than 24 hours' notice provided that an actual emergency exists. The minutes of such meeting must describe the emergency justifying less than 24 hours' notice, and the Council must be able to point to some reason why the meeting could not be delayed. The Public Meetings Law requires that such notice as is appropriate to the circumstances be given in the event of such emergency meeting. The Council or its designee must attempt to contact the media and other interested persons to inform them of the meeting. Only the matter creating a need for an emergency meeting may be discussed during the meeting called for such reason.

WORK STUDY SESSIONS Work study sessions of the Council may be called by the Mayor or at the request of a majority of the members of Council. Such meetings will allow Council the opportunity to review forthcoming projects of the City, receive progress reports on current programs or projects, and to hold open discussion on any City related subject, provided that all discussions and conclusions thereon shall be informal with no vote or formal action taken. The call for a work study session shall be filed with the City Recorder who shall notify the news media at least 24 hours before such meeting is conducted.

EXECUTIVE SESSIONS Executive sessions, or closed meetings, may be held in accordance with the provisions of the Public Meetings Law of the State of Oregon. Matters discussed in executive session are of a highly confidential nature, exempt from public disclosure and are not to be discussed outside the closed session. Generally, an executive session is closed to all persons except members of the governing body, persons reporting to the Council on the subject of the executive session or otherwise involved, and news media representatives. However, nothing prohibits the Council from permitting other specified persons to attend. Prior to opening

an executive session, the Mayor shall announce the purpose of the executive session; the State statute exempting the session from public disclosure; and advise the news media that matters discussed in executive session are not to be disclosed to the public. An executive session may be held during an open meeting for which proper notice has been given, so long as the open meeting is adjourned until the executive session is concluded and then reopened to the public. A meeting that will be solely an executive session may also be called, provided notice requirements are met. No executive session may be held for the purpose of taking any final action or making any final decision. Unless the Council can reasonably conclude that public announcement of a proposed decision will seriously compromise further actions that must be taken, the Council should return to open session to announce the decision.

ATTENDANCE OF NEWS MEDIA AT COUNCIL MEETINGS All official meetings of the Council and its committees shall be open to the news media, freely subject to recording by radio, television and photographic services at any time, except where such actions are exempted by State law, provided that such arrangements do not interfere with the orderly conduct of the meeting. The media is allowed to attend executive sessions of the Council, excepting those involving deliberations with persons designated to carry on labor negotiations; however the Mayor, or governing body by motion, may require that matters discussed in executive session not be disclosed.

MEETING CHAIR DUTIES The Mayor shall act as Chair at all meetings of the Council. In the absence of the Mayor, the Council President shall preside. In the absence of both the Mayor and Council President, the senior Councilor shall act as Chair. The chair has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of all Council meetings. If public participation is to be a part of the meeting, the chair may regulate the order and length of appearances and limit appearances to presentations of relevant points. The Chair shall preserve order and decorum; prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion. The Chair shall state all questions submitted for vote and announce the results. The Chair shall have the prerogative to set guidelines for public hearings and audience participation.

V. ORDER OF BUSINESS The City Recorder shall be responsible for preparing all Council agendas. Agendas for special meetings, work study sessions, adjourned meetings and/or meetings consisting solely of an executive session shall be designed to address the specific purpose for which the meeting has been called. The general rule as to the order of business in regular meetings shall be as follows:

1. **Call to Order** - Mayor calls the meeting to order
2. **Roll Call** - Attendance or absence of members is noted.
3. **Pledge of Allegiance** - Mayor appoints someone to lead
4. **Approval of Minutes and Treasurer's Reports** - Council votes on minutes from previous meeting(s) and approves the payroll and claims report.
5. **Audience Participation** - Members of the audience are invited to address the Mayor and Council on matters not listed on the agenda. Participants are required to state their name and address for the record prior to addressing Council. A time limit for comments from the public may be set by the Mayor.
6. **Public Hearings** - Matters are presented to the Council which require, either by State law or City policy, public testimony to be heard prior to a decision being made. Testimony given shall be limited to no more than ten minutes per person, unless additional time is granted by the Mayor. There are two types of hearings before the Council, legislative and quasi-judicial. Legislative hearings are usually concerning general issues, i.e. ordinance amendments; grant applications, or periodic comprehensive decisions. Notice requirements are met by publishing notice in the newspaper and all residents of the City can be a party to the action. Quasi-judicial hearings are usually held for individual requests for actions such as a zone change. Property owners are always notified and have automatic party status if they request it. Only those citizens having party status may give testimony.
7. **Resolutions** - Proposed temporary or special laws of the City, administrative actions, policies, orders or directives are presented to Council for approval. Upon Council adoption, all resolutions are signed by the Mayor and City Recorder.
8. **Ordinances** - Proposed laws of the City, or proposed amendments to existing laws, are presented to Council for enactment and to the Mayor for approval. As permitted by the Charter, ordinances are normally read by title only at two successive meetings before being enacted. Ordinances with an emergency clause may be enacted at a single meeting. Upon adoption, all ordinances are signed by the Mayor and attested to by the City Recorder. An ordinance takes effect thirty days after its adoption and approval by the Mayor, unless it contains an

emergency clause, in which case it becomes effective immediately upon adoption and approval by the Mayor. (Refer to City Charter Chapter VII for more detailed procedure.)

9. **Council Consideration** - These are items placed on the Agenda which require action of some kind by the Council.
10. **Department Head Reports** - Special reports coming from department heads as well as City commissions or committees presented to Council for information.
11. **City Administrator's Report** - A report from the City Administrator is presented to keep Council informed of staff activity as well as progress on various City projects.
12. **Good of the Order** - Items of interest or concern that have not been formally placed on the agenda for action may be discussed at this time.,
13. **Executive Session** - Only items exempted from public disclosure by the Oregon Public Meetings Law may be discussed in executive session.
14. **Adjournment** - When all business has been concluded, the meeting is adjourned.

VI. COUNCIL AGENDA The order of business of each Council meeting shall be as contained in the agenda as prepared by the City Recorder and approved by the City Administrator. The agenda shall be a listing by topic, of subjects to be considered by the Council and shall be delivered to the Mayor and Council at least 24 hours preceding the meeting to which it pertains. The agenda should be sufficiently descriptive so that interested persons will get an accurate picture of the agenda topics.

Preparation of Regular Meeting Agenda: The agenda for regular meetings shall be prepared on the Thursday prior to the meeting. All agenda reports must be approved by the City Administrator prior to being presented to the City Recorder for preparation of the agenda packet. No item of business shall be added to the agenda after 12:00 noon on the Wednesday before the meeting for which the agenda is being prepared, unless approved by the City Administrator. The Mayor and Council shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda as opposed to bringing them up as an "off the agenda item" during a meeting.

VII. MINUTES OF COUNCIL MEETINGS

WRITTEN MINUTES REQUIRED The Public Meetings Law requires that written minutes be taken at all Council meetings, except in the case of an executive session where minutes may be kept in the form of a tape recording rather than written minutes. No transcript of executive session minutes must be made unless otherwise required by law.

CONTENT OF MINUTES Minutes need not be a verbatim transcript, but shall include at least the following:

1. Members present;
2. Motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
3. Results of all votes of each member;
4. The substance of any discussion on any matter; and
5. Subject to the Public Records Law, a reference to any document discussed at the meeting.

AVAILABILITY OF MINUTES Minutes from all Council meetings, except those prepared from executive session, if so prepared, must be made available to the public within a reasonable time after the meetings. The minutes, once prepared, cannot be withheld from the public merely because they will not be approved by the Council until their next meeting, but may be so identified as unofficial.

APPROVAL OF MINUTES Minutes of each Council meeting shall be presented to the Council for formal approval at their next regularly scheduled meeting. Minutes being presented for approval may be amended by a majority vote by Council. Upon Council approval, the minutes are considered final and shall not be amended thereafter. Approved minutes are considered the official record of the Council.

VIII. VOTING PROCEDURE An affirmative vote of at least a majority of the members of Council shall be necessary to pass any motion made by Council. Any Councilor responding "abstain" shall state the reason for such abstention from the vote. No Councilor shall vote upon any subject in which he/she has a direct pecuniary interest.

IX. MAYOR/COUNCIL RELATIONSHIP WITH ADMINISTRATOR, STAFF & NEWS MEDIA

MAYOR/COUNCIL-ADMINISTRATOR The City Administrator shall be the chief executive officer of the City and head of the City government. Neither Councilor nor the Mayor may influence or attempt to influence the

City Administrator in personnel decisions or in the purchase of supplies, nor may any Councilor or Mayor exact any promise relative to any personnel decision by the City Administrator. Violation of this Charter provision may require forfeit of the office of the violator. The Mayor and any Councilor may, however, in open Council meeting, discuss with, or suggest to, the City Administrator anything pertaining to City affairs.

MAYOR/COUNCIL-STAFF The Council is responsible for policy direction only, with the exception of the appointment of the City Administrator and the Municipal Judge who serve at their pleasure. Councilors shall not give direction to the City Administrator's staff. If a Councilor has a concern regarding departmental operations, project priorities, etc., they should advise the City Administrator. At that time, it becomes the responsibility of the Administrator to evaluate and prioritize any action. The Mayor and/or Councilors may contact department heads directly for information; however, requests that involve substantial staff time or resources should be directed to the City Administrator. During a Council meeting, any Councilor desiring to question the administrative staff shall address the questions to the Administrator, who shall be entitled to answer the inquiry or designate a staff member to do so.

MAYOR/COUNCIL-NEWS MEDIA The Mayor and all Councilors are encouraged to develop a good working relationship with the media and to be accessible and straightforward at all times. A Councilor should never attempt to speak for the entire Council, particularly outside Council meetings. It is inappropriate for a Councilor to commit the entire Council to something until the Council as a group has a chance to discuss it.

X. ETHICS COMMISSION REPORTING REQUIREMENTS

In accordance with State law, the Mayor and Councilors shall be responsible for filing an annual statement of economic interest with the Oregon Government Ethics Commission. Each year, on or around February 15, the Mayor and Councilors will be sent a statement of economic interest form from the Oregon Government Ethics Commission. Officials should complete the form and return it to the City Recorder. It is important to complete the form in a timely manner; failure to do so may result in the imposition of a civil penalty and/or removal from office.

XI. CITY BOARDS AND COMMISSIONS

The City of Myrtle Creek currently has three working boards and commissions focusing their efforts in specific areas of our local government. The following is a list of each of the commissions and a brief synopsis of their purpose:

- 1. Budget Committee** - In accordance with ORS 294.336, the Budget Committee consists of the members of the governing body and an equal number of electors of the City appointed by the Council to serve three-year terms. The Budget Committee hears the budget document as prepared by the budget officer; hears persons wishing to comment on the proposed budget; reviews and studies the proposed budget by using the two previous years' actual data, the current year and the figures proposed by the budget officer for comparisons, obtaining from City staff, any additional information it requires to make decisions about the budget; and approves the budget document as submitted by the budget officer or as revised by the Committee. The Committee has the power to establish a maximum for total permissible expenditures for each fund for the year. The Budget Committee does not approve new personnel, employee contracts or salary schedules, nor does it negotiate contracts or salary contracts, but may request for review, such documentation as may have a fiscal impact on the budget.
- 2. Park Commission** - The Parks Commission consists of seven members, at least four must be residents of the City. Members are appointed by the Mayor and Council, to serve three-year terms. The Park Commission acts in an advisory capacity to the City Council on matters pertaining to the operation, maintenance, improvements, facilities, and recreation activities under the jurisdiction of the City. Responsibilities of the Park Commission are defined in Myrtle Creek Ordinance No. 502.
- 3. Planning Commission** - The Planning Commission consists of seven members, not less than five of whom must be residents of the City. Members are appointed by the Council to serve four-year terms. Duties and responsibilities of the Planning Commission are governed by ORS 197.175 and include preparing, adopting and amending the Comprehensive Plan and making related recommendations to the Council; enacting land use regulations to implement the Comprehensive Plan; and making land use decisions in compliance with the Comprehensive Plan.

Helpful Tips

Knowledge of how to conduct oneself in a public meeting is not a qualification for election to office. If this lack of knowledge continues, a wise competent leader risks exposing himself to embarrassment, and even ridicule.

DO:

1. Come to the meeting prepared and on time.
2. Know the procedural rules of the Council you represent.
3. Become familiar with the parliamentary rules of procedure adopted by your City.
4. Become familiar with the substantive rules of the Council you represent.
5. Read material prepared by staff before coming to the meeting.
6. Contact City Administrator or Department Heads in advance of the meeting if you have questions regarding matters placed on the agenda. This will provide time for necessary research or compilation of information that may be required to efficiently answer your concerns.

DON'T:

1. Show favoritism.
2. Lose your temper.
3. Act without a quorum.
4. Violate public meeting laws or public record laws.
5. **Ever discuss executive session material outside the closed meeting or disclose information pertaining to such material to the public.**
6. Ever gossip or discuss personal matters about self or others immediately before, during or after a public meeting.
7. Let other people's emotions, threats, tears, or fears interfere with your learned and judicious leadership.

CONFLICT MANAGEMENT: Although large angry crowds can be intimidating, Council must maintain control in these situations and require basic rules of courtesy. Councilors must not get drawn into emotional confrontations and lose sight of the issue at hand. If necessary, time should be allowed for cooling off. The Mayor must maintain a quick gavel and not allow any personal attacks by the audience or between Councilors.

GRANDSTANDING/POSTURING: A simple example of grandstanding can be seen in a Council that must implement State or Federal regulations or face crippling penalties. *Example: After thoroughly reviewing the requirements and exhausting all alternatives, the Council is due to vote on the issue. The majority of the Council votes affirmatively. One member, after assessing that the votes are there to implement the program and avoid the penalties, makes a grandstand speech to the audience about the evils of big government, drawing applause from the audience and the perpetual animosity of the fellow Councilors.* An effective Councilor works quietly to do his or her homework and makes reasoned arguments to fellow Councilors. A grandstander makes posturing statements to the audience.

STAFF ATTACKS: If staff does something wrong, Councilors should not hesitate to tell the City Administrator. However, such revelations should not occur in a public meeting. Seldom is anything gained by publicly humiliating the people Council depends on to provide City services.

MEETING NIGHT TUNNEL VISION: Councilors tend to base their entire perception of how the City operates on what happens on meeting nights. It is important to keep in perspective that the City staff provides many different services for citizens every day. Difficult problems come up and are resolved. Customers are treated with courtesy and respect. While the issues discussed at meetings are important, they should be kept within the context of the entire operation.

PROCESS VS. PRODUCT: Councilors must balance the value of public input and discussion in meetings with the value of decision making. Adequate meeting time must be allowed for public input and Council discussion, but the flow of the meeting must continue so that every item on the agenda receives equal attention. Allowing repetitive public comment or prolonged Council discussion on early agenda items short-changes the later items. Good decisions are seldom made at the end of a very lengthy, drawn-out meeting.

LEADERS VS. MESSENGERS: Councilors need to be leaders, not just messengers for their constituents. It is necessary and appropriate for Councilors to inform Council of the concerns and opinions of their constituents, but Councilors also need to educate constituents and help them understand the bigger picture. On some issues, a Councilor may need to take a leadership role contrary to the views of his or her constituents.

COUNCIL AS A TEAM: Councilors were elected to a City Council, not to some independent seat. Constituents, although they are diverse, have a right to expect the Council to function effectively as a team. A Councilor can and should feel comfortable in expressing diverse opinions and in arguing a point. The key is to show respect for fellow Councilors, to be willing to move ahead once the issue is thoroughly discussed, and to live with the results of the vote. Each Councilor provides a unique perspective and has his or her own areas of interest. Without a doubt, the best Council is one in whose members have strong individual identities yet work effectively as a team.

Committee/Commission Members

BUDGET COMMITTEE 3 Year Terms

Vacant	2022
Dan Jocoy	2021
Diana Larson	2022
Gail Black	2022
Robert Chaney, Sr.	2021
Open	2022

PLANNING COMMISSION 4 Year Terms

Kellie Johnson	2023
Angel Smith	2022
Diana Larson	2022
Tami Lannan	2023
Sharon Umphlett	2022

PARK COMMISSION 3 Year Terms

Bill Umphlett	2024
Patti Turner	2023
Alvin Ankle	2023
Linda Connell	2024
Beverly Powell	2023
Olivia See	2022
Open (Outside City Limits)	2024