



City Hall – Council Chambers
206 N. Main Street
Toledo, Oregon 97391
12:00 p.m.

TOLEDO CITY COUNCIL
Goal Setting – also via Zoom Meeting Platform
February 22, 2023

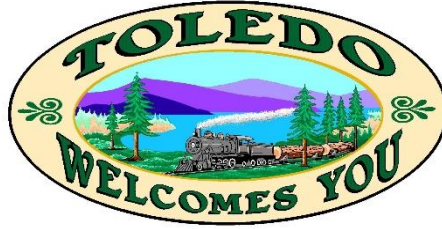
Virtual Meeting: The City Council will hold the meeting for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for details including meeting login information.

Public Comments: The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to lisa.figueroa@cityoftoledo.org 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. **Call to Order, Pledge of Allegiance and roll call**
2. **Lunch and Training**
 - How to communicate amongst the Council and with staff
 - Public hearing procedures
 - Review the City Council rules
 - Social media 101
3. **Dinner Break**
4. **Goal Setting**
5. **Decision Items**
 - Resolution No. 1508, a resolution of the Toledo City Council establishing a policy related to the spending of Strategic Investment Program revenue.
6. **Adjournment**

Comments submitted in advance are preferable. Comments may be submitted by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.

Page 1



**CITY OF TOLEDO
CITY COUNCIL
RULES**

REVISED:

October 7, 2020

October 7, 2009

October 17, 2007

November 15, 2000

APPROVED:

March 18, 1981

Table of Contents

PREFACE	3
CHAPTER 1 – General Governance	4
1.2. Quorum. Except to adjourn, a quorum is required to conduct official City business at any meeting of City Council.....	4
1.3. Presiding Officer.....	4
1.4. Appointed Officers.....	5
CHAPTER 2 – Meetings	6
2.1 Statement of Purpose.	6
2.2. Types of Meetings.....	6
2.3. Authority to Reschedule	7
2.4. Travel and Training Sessions.....	7
2.5. Agendas.....	8
2.6. Order of Business.....	8
2.7. Attendance	9
2.8. Public Hearings Generally	9
2.9. Point of Order	9
2.10. Motions	10
2.11. Debate	10
2.12. Public Comment.....	11
2.13. Voting	11
2.14. Minutes	11
CHAPTER 3– Ethics, Decorum, Outside Statements	13
3.1. Ethics.....	13
3.2. Decorum.....	15
3.3. Statements to the Media and Other Organizations.....	16
3.4. Censure	16
CHAPTER 4 – Communication with Staff and Staff Administrative Support	18
4.1. Communication with Staff.....	18
4.2. Administrative Support.....	18
CHAPTER 5 – City Council, Committee, Commission, and board appointments; Filling Vacancies	20
5.1. Commissions, Committees, and Boards Generally.....	20
5.1.1. Filling vacancies on Commissions, Committees and Boards generally.....	20
5.2. City Council. (Charter 28-29)	21

PREFACE

In Oregon, many city charters require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made, and how council members interact with one another, city employees, and the public. Toledo Charter section 13 requires the Council to “adopt rules for the government of its members and proceedings.” Like many other cities’ charters, it does not provide substance or guidance on how to do so. Some rules for elected officials are found in the city charter. Some are found in city code and state law.

The Council Rules that follow are not codified; instead they expand upon the law to guide conduct and procedure specific to the City of Toledo. Once adopted they are enforceable by their own terms and they may be suspended in whole or in part by vote of a majority of incumbent council members.

Establishing rules of procedure for council meetings and councilor conduct has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council to receive information from the public about matters of public concern in a courteous and respectful manner. Third, rules provide guidance to council members on how they are to interact and engage with city employees, other members of council, and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

The Toledo City Council believes that effective municipal governance requires that individual council members adhere to a general set of principles when dealing with each other and the general public. Furthermore, the Toledo City Council desires to conduct its meetings in a manner that is courteous, effective and efficient while fostering an environment that is fair, open and responsive to the needs of the community.

All questions regarding these rules will be resolved by majority vote of the council.

These rules cite to applicable law and may use the following abbreviations: Toledo Municipal Code (TMC), Toledo Charter (TC or “Charter”), Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR). References to the City Manager also include designee(s) of the City Manager.

CHAPTER 1 – General Governance

1.1. Rules of Procedure.

A. The current edition of Robert's Rules of Order Revised shall be used as a guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's rules shall be necessary and approved by the Council.

B. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the Council and confuse members of the public.

C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

1.2. Quorum. Except to adjourn, a quorum is required to conduct official City business at any meeting of City Council

A. A quorum is defined as a majority of incumbent ("currently holding office") members of the Council. (Charter 14)

B. In the event a quorum is not present the members of Council may meet in order to compel the attendance of absent members and for no other purpose.

C. Members of City Council are permitted to congregate socially, in civic organizations, and in any other non-official City engagement regardless of quorum, provided that Council Members do not deliberate on official City business. No public notice is required.

1.3. Presiding Officer

A. The Mayor is the presiding officer and shall preside over council deliberations and shall have a vote on all questions before the Council. The Mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. (Charter 16)

B. The Council shall elect a Council President from its membership at its first meeting of each odd-numbered year. (Charter 17)

C. In the Mayor's absence the Council President is presiding officer. The Council President shall retain all rights and privileges of the office of the Mayor. (Charter 17)

D. If both the Mayor and the Council President are absent from the meeting, the following procedure shall be utilized to appoint a pro tem presiding officer:

1. The City Manager shall call the Council to order and call the roll of the members.
2. Those members of Council present shall elect, by majority vote, a temporary presiding officer for the meeting.
3. Should either the Mayor or the Council President arrive, the pro tem presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The pro tem presiding officer shall retain all rights and privileges of a member of Council when acting in this capacity.

5. The pro tem presiding officer does not have any rights of the Mayor outside of meetings.
6. A pro tem presiding officer shall be reappointed at each meeting under this subsection as long as the Mayor and Council President remain absent.

1.4. Appointed Officers

A. Mandatory Appointment. City Manager. The City Manager is required to attend all Council meetings and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council. The powers and duties of the City Manager are set forth in Toledo Charter 20.

B. Optional Appointments.

1. City Attorney. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal matters. (Charter 10)
2. Municipal Court Judge. (Charter 10, 21)
3. Any other Officers that the Council considers necessary. (Charter 10-12)

CHAPTER 2 – Meetings

2.1 Statement of Purpose

Limited Public Forum. The meetings of the council, including regular meetings, special meetings, work sessions and emergency meetings are open to the public in accordance with the Oregon Public Meetings Law. The meetings are considered a limited public forum at which council business is conducted in accordance with the agenda and rules of the council. The mayor, as the presiding officer, along with the council has the authority to require discussion at the meetings be addressed to the matters that are appropriate to be considered, to limit the time for discussion, and to restrict input concerning the matters to be discussed. The council has the right to require persons attending the meeting, addressing the council or participating in the meeting to conform to the rules of the council and directions of the mayor or the presiding officer.

2.2. Types of Meetings

A. Regular meetings.

1. Council shall hold a regular meeting at least twice a month in the City at a time and place that it designates (Charter 13).
2. No Council meeting will be held at a venue that discriminates against individuals based on an individual's race, religion, color, gender, gender identity, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, disability, or any other status as defined by state law.
3. In the event City Hall is not available for a meeting, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the City. Otherwise, the venue shall be as close to the Toledo's jurisdictional boundary as practicable.
4. The Council shall direct city staff to give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

B. Special meetings. Special meetings are meetings that are nonemergent and not a regularly scheduled meeting or a work session

1. Special meetings may be called by the Mayor, or in the Mayor's absence, the Council President, or the City Manager.
2. Special meetings require at least 24 hours' notice to the general public, any news media who have requested notice, and the members of the governing body. (ORS 192.640)
3. No business other than that for which a special meeting is called can be transacted at a special meeting.

C. Emergency meetings. Emergency meetings are special meetings when circumstances present an emergency whereby it is not possible to give 24 hours' notice to the public of the meeting.

Emergency meetings may be called by the Mayor, or in the Mayor's absence, the Council President, the City Manager, or the City Attorney. In addition to other public record keeping requirements, minutes for such a meeting must describe the emergency that justifies less than 24 hours' notice. No topic other than the emergency may be discussed at an emergency meeting. (ORS 192.640)

D. Work Session. Work sessions are authorized by these rules. The purpose of work session meeting is to present information to the Council so that the Council is prepared for regular or special meetings. The meeting date and time shall be regularly scheduled however the Council, in its sole discretion may reschedule or cancel work sessions.

1. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
2. Work sessions are intended to allow for preliminary discussions. The Council is permitted to take formal or final action on matters at a work session.

E. Executive Sessions. The City Council may hold an executive session during a regular, special, or emergency meeting pursuant to ORS 192 and OAR Chapter 199 Division 40.

1. Executive sessions may be called by the Mayor, presiding officer, the City Attorney, or the City Manager.
2. The Council may exclude any person(s) which it is authorized by law to exclude from an executive session.
3. Representatives of the news media shall be allowed to attend executive sessions consistent with state law and in accordance with the Toledo Media Policy. The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session. The media policy may be amended with advice and consent of the Council.
4. No decision or formal action shall be made in an executive session. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with 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.

2.3. Authority to Reschedule

The City Council may cancel or reschedule any meeting so long as the City Council holds two regular meetings within the month in accordance with City Charter Section 13.

2.4. Travel and Training Sessions

The City Council may attend training sessions outside of the City's jurisdictional limits provided no deliberations toward a decision are made. No public notice is required.

2.5. Agendas

The City Manager shall prepare an agenda for every regular meeting and work session. Agendas for special meetings, emergency meetings, and executive sessions shall be prepared by the individual(s) calling the meeting

A. Agendas shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

B. Agendas shall be posted in at least one location at City Hall.

C. The Mayor, or in the Mayor's absence, the Presiding Officer, or City Manager may place routine items and items referred by staff on the agenda without Council approval or action ("Consent Agenda").

D. The City Manager may remove any items on the agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal at the beginning of the meeting.

E. A member of the Council who wishes to have an item placed on the agenda may:

1. Submit a request to the Mayor with a copy to the City Manager at least one week prior to the meeting.
2. Bring up the item during Council comments for consideration and the Council may vote to add the item to a future meeting agenda.

2.6. Order of Business

The order of business for all regular meetings shall be as follows.

A. Call to order and roll call

B. Public comment - Public comment will be reserved for every regular meeting of the Council. Persons wishing to speak during public comment must sign the "speaker's roster" with the person's name and address and the topic upon which the person wishes to speak. The public comment period shall not exceed a maximum of 30 minutes, unless a majority of the Councilors present vote to extend the time.

C. Community Service Reports and/or presentations to the Council.

D. Consent Agenda - In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

1. All items on the consent agenda shall be approved by a single motion, unless an item is removed for further consideration.
2. Any item on the consent agenda may be removed for separate consideration by any member of the Council.
3. Ordinances, resolutions, and orders will not be placed on the consent calendar.

E. Discussion and Information Items

F. Decision Items

G. Reports and Comments - When necessary, reports can be given to the Council by boards, commissions, committees, elected officials, and/or City employees.

H. Adjournment

2.7. Attendance

A. Attendance is mandatory. Members of the Council shall advise the City Manager within one hour prior to the meeting if they will be unable to attend any meetings.

B. Call of the House. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any council member may move for a call of the house. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two council members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent council members will be requested to attend or return to the meeting.

C. The mayor, or in the mayor's absence, the presiding officer, is authorized to recess the meeting to a time certain while attendance is being compelled.

D. Attendance issues may be dealt with by public censure pursuant to Chapter 3, Section IV

2.8. Public Hearings Generally

A. A public hearing may be legislative or quasi-judicial, the formalities of which are governed by law. The public hearing procedure template is set forth in Appendix A. This template may be amended by staff with advice and consent of the Council.

B. The Presiding Officer may limit the time and number of speakers at each public hearing; however, no such limitation shall obstruct the presentation of evidence relevant to determine the facts, apply the law, or give a ruling, order, or determination. In such event, the Presiding Officer shall announce such restriction prior to the beginning of the hearing.

C. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the City, and state their address for the record. All remarks shall be addressed to the Council as a body and not to any member thereof.

2.9. Point of Order

A Point of Order is request of the presiding officer to take notice of state law, the city's charter, city code, of these council rules. Points of Order can be made by a counselor, city manager, city attorney, or city recorder. A Point of Order is made by stating, "Point of Order" and citing to the source of law. Raising a Point of Order stops discussion on the matter that is under consideration. The presiding officer acknowledges the Point of Order by ruling in one of two ways: (a) Agree and implement the law or rule as indicated, (b) Disagree and state a reason for the disagreement. A Point of Order is intended to encourage best practices and compliance with legal standards so

to make council actions defensible; they are not intended to redirect or undermine the process, such as when invoking finer points of Robert's Rules.

2.10. Motions

A. The following rules shall apply to motions:

1. All motions shall be distinctly worded.
2. If a motion does not receive a second, the motion fails and no vote may be taken on the motion.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. A motion to amend can be made to a motion that is on the floor and has been seconded.
5. A motion may be withdrawn by the mover at any time without the consent of the Council.
6. Amendments are voted on first, then the main motion is voted on as amended.
7. Debate on the main subject resumes if the motion fails.
8. A motion that receives a tie vote fails.
9. The motion may be repeated prior to a vote.

B. Motion to Reconsider.

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A Council member may move for reconsideration on an action at the same meeting prior to the adjournment of the meeting or the next regular meeting, provided that reconsideration of the action has been added to the agenda and noticed accordingly.
3. Once a matter has been reconsidered, no motion for further reconsideration shall be made.

2.11. Debate

The following rules shall govern the debate of any item being discussed by the Council:

A. Every council member desiring to speak shall address the presiding officer and, upon recognition by the presiding officer shall confine themselves to the question under debate, at all times acting and speaking in a respectful manner.

B. A council member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

2.12. Public Comment

The public may be allowed to comment on matters before the Council at discretion of the presiding officer.

A. The presiding officer may open the matter for public comment after the staff report and council discussion but before any action is taken.

B. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the Council or City staff.

C. Each person desiring to comment shall provide the Council with their name and address prior to giving comment to ensure the minutes of the meeting properly reflect those persons who provided public comment.

2.13. Voting

The vote on every motion shall be taken by a show of hands or roll call and entered in the meeting minutes. Every Council member shall vote, unless they have declared a conflict of interest or an abstention.

2.14. Minutes

A. Minutes.

1. All minutes should be in written form with an audio recording of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule and in accordance with Oregon Public Records Law. Neither a full transcript nor a full recording of the meeting is required, except as otherwise prescribed by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants.

2. Contents of Minutes. Meeting minutes shall contain the following information:

- a. The date, time and place of meeting
- b. All members of the governing body present
- c. All motions, proposals, resolutions, orders, ordinances and measures proposed and the disposition
- d. The results of all votes and the vote of each member
- e. The substance of any discussion and a reference to any document discussed

3. Executive Session minutes shall be kept in written form, in accordance with subsection 1 and 2 of this section. An audio recording of an executive session may be kept consistent with state law and in accordance with the City's record retention schedule, and it need not be transcribed unless otherwise provided by law. If a Council Member wishes to review material from the executive session or if a council member is absent from an executive session and wishes to review materials from the executive session, they must submit a request to the Council. Council may approve or deny the request. Council may approve

review of executive session materials by any of the following: listen to the full audio, review written minutes, or get a briefing from the City Manager or City Attorney.

CHAPTER 3– Ethics, Decorum, Outside Statements

3.1. Ethics

All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:

- A. Disclosing confidential information.
- B. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
- C. Expressing an opinion contrary to the official position of the Council without so saying.
- D. Conducting themselves in a manner so as to bring disrepute upon the government of the City.
- E. Gifts. (ORS 240 and OAR Ch. 199 Div. 5)

1. Definition. A gift is something of economic value given to a council member, a relative, or member of the council member's household for which the recipient either makes no payment or makes payment at a discounted price.

2. Rule. A council member, relative, or household member of the councilor may not solicit or receive any gift with a value exceeding \$50 from any single source when the councilor knows the identity of the donor and the donor is known to have a legislative or administrative interest in the subject matter before council. (ORS 244.025)

3. Exceptions.

a. Gifts from relatives or household members

b. Reasonable expenses paid by certain entities if:

(i) The entity is a government entity, a Native American tribe, a membership organization to which the governing body pays dues, or a 501(c)(3) non-profit organization; and

(ii) The council member is participating in a convention, fact-finding mission/trip, or meeting where he or she is scheduled to speak, participate in a panel discussion or represent their governmental unit

c. Reasonable food, travel or lodging expenses for the council member, a relative, household member or staff while the council member is representing his or her governmental unit on:

(i) An officially sanctioned fact-finding mission or trade-promotion; or

(ii) In officially designated negotiations, or economic development activities, approved in advanced;

d. Admission, food and beverages for the council member, a relative, household member, or staff while accompanying the council member at a reception, meal or

meeting held by an organization where the council member represents his or her governmental body;

e. Food, beverage and entertainment that is incidental to the main purpose of the event;

f. Food or beverage consumed by a council member acting in an official capacity in association with a financial transaction or business agreement with another government agency, another public body or a private entity, including review, approval or execution of documents or closing a borrowing or investment transaction;

g. An unsolicited token or award of appreciation in the form of a plaque, trophy, desk or wall item or similar with a resale value of under \$25;

h. Anything of economic value offered, solicited or received as part of the usual and customary practice of the recipient's private business or the recipient's employment or position as a volunteer with a private business, corporation, or other legal entity operated for economic value. The item must bear no relation to official business and must be historical or established long-standing traditions or practices resulting in economic benefits for those that are not in public office;

i. Informational material related to the performance of official duties;

j. Waiver or discount of registration expenses or materials provided at a continuing education event that a council member or candidate may attend to satisfy a professional licensing requirement;

k. Legal defense trust fund contributions; and

l. Campaign contributions.

F. Conflicts of Interest and Abstentions

1. Quasi-Judicial Proceedings ("Hearings"). Generally, conflicts of interest arise in situations where a Councilor, deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the councilor, a relative or a business, with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the councilor or the councilor's spouse. A Councilor must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

2. All other decision items. A Council Member may abstain from any vote based on their perceived conflict of interest and shall provide a reason for the abstention.

3. Rule of Necessity. If a council member is met with an actual conflict of interest and the council member's vote is necessary to meet the minimum number of votes required for official action, the council member may vote. The council member must still announce the conflict and refrain from any discussion, but may participate in the vote required for official action by the governing body. (ORS 244.120(2)(b)(B)). This provision does not apply in situations where there are insufficient votes because of a member's absence. Rather, it applies where a quorum is lacking solely because council members must refrain from voting due to actual conflicts of interest. Council members with actual conflicts may vote only when it is impossible for the governing body to take official action, even if all members are present.

3.2. Decorum

A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the Council.

B. Members of the City Council will:

1. Be respectful towards fellow Council members, staff, guests, and members of the public.
2. Be well informed and participate in the decisions of the Council.
3. Attend Council meetings and Council sub-committees assigned.
4. Make staff, guests, and members of the public comfortable by fostering a welcoming milieu and educating meeting attendees about the meeting process.
5. Maintain a tone of voice that is friendly, sincere and communicate clearly to ensure they are heard.
6. Preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer or these rules.

C. If significant changes are suggested to a proposed ordinance or resolution, the Council may direct staff to make the necessary amendments to the proposed ordinance or resolution and reintroduce the proposed document for additional review.

D. Members of the City staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.

E. Council members, staff, guests and members of the public shall not obstruct the meeting in a manner that prohibits the Council from conducting its business.

F. Picture Taking and Filming is allowed provided it does not disrupt the meeting of the Council as determined by the Presiding officer or Sergeant at Arms.

G. A law enforcement officer of the City may be designated as Sergeant-at-Arms of the Council meetings and shall carry out all orders and instructions given by the Presiding Officer for the purposes of maintaining order and decorum at the Council meeting consistent with state law.

1. Individual(s) may be removed from a meeting if their actions interfere with the order and decorum of the meeting.

2. Vacating Council Chambers. If a meeting is disrupted by members the Council, City staff, guests, or the public, the Presiding Officer or a majority of the Councilors present may order the Council Chambers or other meeting place to be cleared or adjourn the meeting

H. Seating Capacity and Occupancy.

1. The safe occupancy and seating capacity of the Council Chambers, as determined by the Fire Chief, shall be posted within the Council Chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.

2. Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the chambers, and should not move forward of the seating areas unless wishing to address and be recognized by the Presiding Officer.

I. Unless authorized by the Presiding Officer, no flags, posters, placards, or signs, are allowed inside Council Chambers or inside any place where a public meeting or public hearing is being held.

3.3. Statements to the Media and Other Organizations

A. Representing City. If the Mayor or Council member appears as a representative of the City, they may only state the official position of the City, as approved by a majority of the Council.

B. Personal Opinions. If the Mayor or Council member appears in their personal capacity to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

C. The presiding officer may direct the City Manager, City Attorney, Municipal Court Judge, or other appointed officer to represent the City and if so directed, that individual shall give only the official position of the City, as approved by a majority of the Council.

3.4. Censure

A. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, by words, action, or nonperformance of duties, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand, removal from committee assignments, removal from the position of council president, or removal from office by declaration of vacancy (Charter 20.8, 28.2)

B. A censure shall be brought by motion and seconded. A majority vote in favor of censure is required to censure a Council member.

C. It is the expectation of the Council that all Council Members adhere to the council rules of decorum outside of meetings as well as inside meetings and recognize that as elected officials their conduct and speech reflects on the entire City and their fellow elected officials.

D. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies have occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

CHAPTER 4 – Communication with Staff and Staff Administrative Support

4.1. Communication with Staff

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

1. Collaborating with the staff as a team in a spirit of mutual confidence and support.
2. Not attempting to influence or coerce the City Manager or department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.
3. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
4. Respecting roles and responsibilities of staff if expressing criticism in a public meeting, private conversations, or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members. All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.
5. Addressing all formal inquiries and requests for information from staff to the City Manager and allowing sufficient time for response. All written information given by the City Manager to one Councilor shall be distributed to all Councilors.

B. Nothing in this section shall limit an individual Council Member from soliciting services and information from City Staff as it relates to the Council Member's private interests. However, the Council Member acting on their own private interests should limit requests from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.

C. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this rule are issues related to the conduct of the City Manager, conduct of a Council Member, or private matters.

4.2. Administrative Support

The City Manager's office shall provide administrative support to the Council, which may include correspondence, clerical support, and other administrative duties as needed.

A. Clerical support

1. The City Manager's office will coordinate all City correspondence to and from the Council. Under direction from the Mayor, all correspondence will reflect the position of the full Council, not individual Council member's positions.

2. All Council member correspondence using City resources will be copied to the full Council and maintained by the City Recorder.
3. Letters addressed to the Mayor and/or City Council that require a response shall be prepared by staff for the Council to review and the Mayor's signature.
4. All correspondence from the full Council shall be maintained at City hall in accordance with Oregon's Public Record Law.

B. Travel and Training

1. Councilors shall follow the employee personnel travel and training procedures as established by City policy.
2. Councilor expenditures other than routine reimbursable expenses, (e.g., conference registration, travel, etc.) may require advance Council approval according to the purchasing rules which apply Citywide.
3. Travel and training accommodations for Councilors shall be made by City staff.
4. The City does not reimburse Councilors for expenses incurred by their spouses.

CHAPTER 5 – City Council, Committee, Commission, and board appointments; Filling Vacancies

5.1. Commissions, Committees, and Boards Generally

A. Planning Commission. The rules for selecting Planning Commissioners and filling vacancies on the Planning Commission are set forth in TMC 2.04. The planning commission shall consist of seven members appointed to staggered, four-year terms by the Mayor of Toledo and of which not more than two members shall be nonresidents of the city of Toledo. Any vacancy on the commission shall be filled by the council for the unexpired portion of the term.

B. Public Utility Commission. The rule for selecting Public Utility Commissioners and filling vacancies on the Public Utility Commission are set forth in TMC 2.08. The commission shall consist of the mayor, the city attorney and the city manager as ex officio, non-voting, members, and of five other members to be appointed by the mayor. All of the appointed members of the commission shall be residents of the City of Toledo. The term of office of the appointed members shall be five years or until their successors are appointed and qualify, and their terms shall be staggered so that the term of office of not more than two will expire in the same year. Any vacancy in the commission shall be filled by appointment made by the mayor for the unexpired portion of the vacated term.

C. Transient Lodgings Tax Review Committee. The rule for selecting Transient Lodgings Tax Review Committee Members and filling vacancies on the Transient Lodgings Tax Review Committee are set forth in TMC 3.08. Transient lodgings tax review committee is a committee composed of an accountant, an attorney and three other persons appointed by the mayor and approved by the council of the city of Toledo and may be owners or operators of a "hotel" as defined in this chapter.

D. Budget Committee. The Council shall appoint Budget Committee Members and fill vacancies on the Budget Committee pursuant to ORS 294.414. The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee. The Chief Budget and Fiscal Officer is the City Manager.

E. Other Boards and Committees. The Mayor, in the Mayor's sole discretion or with consent of Council, may appoint other Council Committees and define the purpose, duration, and membership of Council Committees. (Charter 19)

5.1.1. Filling vacancies on Commissions, Committees and Boards generally

With advice and consent of the Mayor and Council, the City Manager shall open recruitment to fill a vacancy. Qualified candidates shall file an application form supplied by the City. The Council may establish a closing date when applications must be filed. The filing of an application from any person eligible for appointment shall be considered as placing that person in nomination. With advice and consent of the Council, the City Manager will set a date for the Council to review applications. When the Council is satisfied that it has concluded the process of reviewing the

qualifications of nominees, the presiding officer shall declare the nominations closed. Interviews shall take place with all eligible candidates.

5.2. City Council. (Charter 28-29)

A. Elections occur every two years. Council members serve four-year terms. The Mayor serves a two-year term. To be eligible for an elective city office, a person at the time of election must be a qualified elector and have resided in the City during the twelve months immediately preceding the election.

B. If a Council position or Mayor's position becomes vacant mid-term, the City Manager shall open recruitment. City Council candidate shall be required to fill out a City application form and file a resume setting forth their background and a statement of reasons why they desire to be considered for appointment to fill the vacancy. The Council shall establish a date when all applications must be filed with the City Recorder. The filing of an application from any person eligible for Council shall be considered as placing that person in nomination. With advice and consent of the Council, the City Manager will set a date for the Council to review applications.

When the Council is satisfied that it has concluded the process of reviewing the qualifications of nominees, the presiding officer shall declare the nominations closed. Interviews shall take place with all eligible candidates and selection shall be determined by a process in which each Councilor votes for one person from the nominees. Vacant elective city offices shall be filled by appointment by a majority vote of the remaining members of the council. The majority of votes cast will select the candidate to fill the office. In the event that no candidate receives a majority of votes cast, the voting will continue until there is a majority.

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	February 22, 2023	Resolution No. 1508, a resolution establishing a policy related to the spending of Strategic Investment Program revenue
Council Goal:	Agenda Type:	
Complete a strategic plan to help guide city investment of financial and staff resources	Discussion Items	
Prepared by:	Reviewed by:	Approved by:
City Attorney M. Adams	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to approve resolution No. 1508, a resolution of the Toledo City Council establishing a policy related to the spending of Strategic Investment Program revenue.

Background:

Having a Strategic Investment Program (SIP) policy in place is important because: 1) it provides a framework with which decisions can be made regarding the use of community service fee and community impact fee revenues and 2) provides a point of reference for the discussion of the merits of future SIP agreements.

After review of additional sources, including a review of a Multnomah County audit, Clatsop County audit, document from the Legislative Revenue Office (LRO), and a document from the Legislative Policy and Research Office (LPRO), both part of the Oregon State Legislature, I believe this attached policy is legally sufficient for the City Council to make decisions on the expenditure of the SIP revenue.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2021-2022	N/A

Attachments:

1. Resolution No. 1508

**CITY OF TOLEDO
RESOLUTION NO. 1508**

**A RESOLUTION OF THE TOLEDO CITY COUNCIL ESTABLISHING A POLICY RELATED
TO THE SPENDING OF STRATEGIC INVESTMENT PROGRAM REVENUE**

WHEREAS, Georgia Pacific (GP) applied as part of the State of Oregon’s Strategic Investment Program (SIP) to make 25 million in capital improvements, and the City of Toledo and Lincoln County entered into a SIP agreement with GP; and

WHEREAS, the SIP law allows the jurisdictions granting tax abatements to collect revenue from the company receiving the abatement. A Community Service Fee (CSF), paid to the jurisdictions, is required by ORS 285C.609, “for community services support that relates to the direct impact of the eligible project on public service,” which equals 25 percent of the abated property taxes not to exceed \$2.5 million per year; and

WHEREAS, the law allows jurisdictions to collect other fees or contributions, as the agreement “may provide for any other requirements related to the project,” which resulted in a Community Impact Fee (CIF) contained in the SIP agreement that is an additional 10 percent of the abated property taxes; and

WHEREAS, the CSF revenue is the most flexible in that it can be (and has been in other jurisdictions) used in the same way as money in the General Fund, including the City of Hillsboro spending 48 million on 72 acres in part funded with SIP revenue (<http://hillsboroherald.com/the-city-of-hillsboro-approves-48-million-dollars-of-tax-payer-money-to-develop-industrial-lands/>); and

WHEREAS, the City having a SIP policy in place is important because: 1) it provides a framework with which decisions can be made regarding the use of the SIP revenue and 2) provides a point of reference for the discussion of the merits of future SIP agreements; and

WHEREAS, the City Council will establish criteria and a process for spending the SIP revenue over the 15 year period of the SIP agreement.

NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:

- Section 1. That the City Council establishes that the SIP revenue will be used for the following purposes:
- a. Mitigating potential impacts of the Juno project;
 - b. The creation of long-term jobs with family wages, benefits, and working conditions for current residents of Toledo;
 - c. Providing assistance for residents to secure affordable housing and dedicating a portion of any CSF to help with this effort;
 - d. Assuring that no unmitigated adverse impacts on City infrastructure or public services will result from SIP;
 - e. Encouraging the purchase of goods and services produced or sold by businesses in Toledo and the region; or

f. Other City Council discretionary spending in the interest of the community.

Section 2. That the City Council makes the following findings related to expenditure of SIP revenue:

a. The City of Toledo's loss of revenue from the tax abatement granted in the SIP Agreement directly impacts the ability of the city to adequately fund the items listed in Section 1 above, by reducing property tax collections, which would otherwise be used for these purposes; and

b. The Juno project has a direct impact on the infrastructure, roads, housing, jobs, goods and services, and other unknown potential impacts, in the City of Toledo, and the surrounding community, by reducing the revenue available for the purposes listed in Section 1, otherwise available in the General Fund, but was done to require the additional investment in the community and to create jobs; and

c. The revenue from the SIP agreement will be spent for such purposes listed in Section 1.

Section 3. That the City Council may:

a. Request that applicants submit testimony at a public hearing, require an application, copies of written documentation, or additional information appropriate to the nature and amount of the requested assistance, as deemed necessary by the City Council;

b. Deem an applicant ineligible for funding if the applicant owes money to the City or other government;

c. Conditionally approve multi-year projects, but subject to availability of funds in subsequent years and receipt of required financial information and other accountability requirements;

d. Target specific sectors or strategic areas to receive some or all of the funding available under this policy;

e. Engage third-party expertise and/or establish review teams to assist in selection and due-diligence review of submitted applications;

f. Manage program spending to achieve a balance between listed purposes of this policy;

g. Decline to fund a project which contradicts or acts in opposition to the letter or spirit of a City Council goal, policy, or strategy.

Section 4. SIP resources required under this policy are conditional on approval by the City Council and on the availability of funds in the appropriate budget.

Section 5. Projects funded under this program must meet the necessary approvals by regulatory, municipal and other authorities. This may include meeting health and safety standards, environmental standards, acquiring land use approval, support from community or City, or any other approvals deemed necessary for the project to proceed.

Section 6. Eligibility for funding under this policy does not guarantee subsequent approval for financial assistance of any kind.

Section 7. This resolution will expire at midnight on February 22, 2038, unless otherwise amended or extended.

This Resolution shall be effective upon passage by the City Council this __ day of __, 2023.

APPROVED:

ATTEST:

Mayor Rod Cross

City Recorder Lisa Figueroa