



BURNS CITY COUNCIL MEETING

Wednesday, August 26, 2026, at 6:00 p.m.

**Burns City Hall
242 S. Broadway
Burns, Oregon 97720**

Mayor Jen Hoke

Councilor Susan Lowe

Councilor Bryan Garo

Councilor Shane Brockmann

Councilor Chase Patterson

Councilor Andrew Roy

Councilor Tod Gahley

COUNCILORS AND CITIZENS ARE WELCOME AND ENCOURAGED TO JOIN THE REGULAR COUNCIL VIA ZOOM.

Members of the public and media wishing to address the council during any public comment period will be able to join the webinar as an “attendee.” Attendees will be able to view the Webinar on a desktop, laptop or mobile device such as a smartphone or iPad by using the following link: <https://uso2web.zoom.us/j/9020143459> Meeting ID: 902 014 3459

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Establish Quorum (*Roll Call*)**
- IV. Public Comments**

Members of the public desiring to address the Mayor and Council shall first be recognized by the Presiding Officer and then state their name and address for the record. Unless otherwise designated by the presiding officer, each person shall have up to three minutes to present their comments. City Councilors normally should not directly respond to a public comment during the public comment period. Councilor comments should be held until the Councilor comment period.

- V. Agenda Approval and Added Agenda Items (*Discussion/Action*)**

Any matters added to the agenda at this time will be discussed during the “New Business” portion of this Agenda or such other time selected by the council.

- VI. Consent Agenda (*Discussion/Action*)**

Information concerning matters listed on the Consent Agenda has been distributed to each member of the council for reading and studying, is routine, and will be enacted or approved by one motion of the council without separate discussion. If a separate discussion is desired concerning a



particular matter listed in the Consent Agenda, that matter may be removed from the Consent Agenda and placed on the regular agenda at the request of any council member.

Regular City Council Meeting August 12, 2026

Recording for August 12, 2026, City Council meeting:

https://zoom.us/rec/share/NjYSqBsVjSKgdUNXvBB8tk75nBzt_wYkcyfCnFerwuSb52hSDoyznb3WicofrXxJ.CzcJZxFbbfU78wsu?startTime=1786581888000

Passcode: M&Q&EqH9

- VII. Department Head Report – Police Chief Robby Tiller
- VIII. New Business (Discussion/Action)
 - 1. Public Meeting Laws – City of Burns Charter & Oregon Government Ethics Commission
- IX. Old Business (Discussion/Action)
- X. Resolution/Ordinances (Discussion/Action)
- XI. City Manager Report (*Discussion/Action*)
- XII. Committee Reports (*Discussion*)
 - 1. Cemetery Committee – Councilor Lowe
 - 2. Safety Committee – Councilor Roy
 - 3. Airport Committee –
 - 4. R3 – Councilor Gahley
 - 5. URA – Quartey Update by Fire Chief Scott Williamson
 - 6. Waterways Committee – Councilor Hoke
- XIII. Councilor Comments (*Discussion/Action*)
- XIV. Adjourn

The Burns City Council meetings are available via Zoom and in accordance with ORS 192.610 to 192.690, these meetings conform to guidelines set forth in public meeting law. In accordance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. This institution is an equal opportunity provider. Discrimination is prohibited by Federal law. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Recorder Tiffany Leffler (541) 573-5255 or use the TTY Relay Service at 1-800-735-2900 for appropriate assistance. If a request is made, the city will make a reasonable attempt to honor the request.

Updated Agenda Posted: August 20, 2026, at Burns City Hall, Burns Post Office, Harney County Courthouse, City of Burns Website, and City of Burns Facebook Page.

BURNS CITY COUNCIL

August 12, 2026

The Burns City Council met in regular session on August 12, 2026, at 6:00 p.m. Members present were as follows:

Mayor: Jen Hoke
Councilor President:
Councilors: Susan Lowe
Shane Brockmann
Bryan Garo
Chase Patterson
Andrew Roy
Tod Gahley

Also, in attendance were City Manager Brenda Engebretson, Public Works Director Ty Richardson, Police Chief Robby Tiller, Fire Chief Scott Williamson, and City Clerk Tiffany Leffler.

SUMMARY

The Burns City Council meeting on August 12th began with the Pledge of Allegiance and roll call. During public comments, Kim Rollins (831 Riverside Drive) expressed frustration over a delayed hearing assistance request. The council approved a \$200 banner renewal for the Burns High School football team and a \$100 water and sewer certificate for their silent auction. Clint Whitney (863 West Jefferson) raised concerns about property access issues caused by a new berm put in by the Veterans Village, and the council agreed to look into the matter. The council approved the construction contract for a snow removal equipment building at the airport. City Manager Brenda provided updates on ongoing projects and the upcoming URA meeting. Councilor Roy discussed fire safety concerns related to overgrown lots and raised questions about financial transparency, specifically regarding adjusted journal entries. The conversation ended with councilor's expressing thanks to city staff and firefighters for their recent efforts.

PUBLIC COMMENT

Kim Rollins (831 Riverside Drive) addressed the council regarding his pending hearing assistance request. He informed the council that he had submitted his request to the city on June 6th, expressing frustration about the 64-day wait and lack of response from the city regarding a timeline for assistance. Due to technical issues with his hearing assistance, Kim decided not to provide detailed comments during this meeting.

AGENDA APPROVAL AND ADDED ITEMS

Councilor Gahley made a motion to approve the agenda. Councilor Garo seconded the motion. All Ayes.
(7/0)

CONSENT AGENDA

Regular City Council Meeting Minutes – July 22, 2026 –

Councilor Garo made a motion to approve the consent agenda with the changes. Councilor Roy seconded the motion. All Ayes. (7/o)

NEW BUSINESS

1. Donation Request – Amie Scott - Burns High School Football Banner Sponsor Renewal –

Councilor Gahley made a motion to approve the \$200.00 Banner Sponsor Renewal for the Burns High School Football Team. Councilor Patterson seconded the motion. All Ayes. (7/o)

2. Donation Request – Amie Scott - Burns High School Football Fundraiser Dinner and Silent Auction –

Councilor Patterson made a motion to approve a \$100.00 water/sewer voucher for the Burns High School Football Fundraiser Dinner and Silent Auction. Councilor Brockmann seconded the motion. All Ayes. (7/o)

3. Donation Request – Kiwanis Flag Donation –

There was no one present at the meeting to request the donation. The council decided to table the request until someone from the organization could be present.

4. Property Access – Clint Whitney –

Mr. Clint Whitney owns property at 863 West Jefferson and came to the council meeting that evening to explain his frustration over an approximately 3-foot berm created by a new Veterans Housing Development. He says it has made his property access unusable for regular vehicles. Despite proposing solutions like a culvert or drainage, the developer rejected his requests, and he claims never to have received notification about the construction.

The council acknowledged his frustration and agreed to investigate potential options, with no immediate solutions provided.

5. Agreement between owner and contractor for the construction contract for construction of a snow removal equipment building with Kirby Nagelhout Construction Company.

Councilor Garo made a motion to approve the agreement between owner and contractor for the construction contract for construction of a snow removal equipment building with Kirby Nagelhout Construction Company. Councilor Roy seconded the motion. All Ayes. (7/o)

OLD BUSINESS

There was no old business.

RESOLUTIONS/ORDINANCES

There were no resolutions/ordinances.

NEXT STEPS

1. City Staff: Reach out to the person who requested the Kiwanis flag donation to reschedule their in-person presentation.
2. City Manager Brenda Engebretson: Finalize the chamber contract with the attorney.
3. Councilor Roy: Contact committee members before next Tuesday's Safety Committee meeting.
4. City Staff: Investigate the issue of abating nuisance properties (e.g., mowing, dead vegetation) and explore solutions.
5. City Manager Brenda Engebretson: Find out about the status of the adjusted journal entries and access to the general ledger server.
6. City Council/City Staff/Community: Encourage concerned citizens to attend City Council meetings to express their concerns directly.

ADJOURN

Mayor Hoke adjourned the meeting at 6:35 p.m.

Recording for August 12, 2026, City Council meeting:

https://zoom.us/rec/share/s4_oU1VxJCc_N9NkflPBCSNPnflGXY5Avzt38FUB-W6xHbm2rJt2lzuYVahWq-pk.PhStp_bhWmo-u4jo?startTime=1786581888000

Passcode: M&Q&EqH9

Tiffany Leffler, City Clerk

Jen Hoke, Mayor

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Oregon Government Ethics Commission

Chapter 199

Division 50

PUBLIC MEETINGS LAW

199-050-0005

Definitions

The following definitions are provided for words or terms as they are used in ORS 192.610 to ORS 192.705 and as they are used in these rules:

(1) "Communicate" means the act of a person expressing or transmitting information to another person through verbal, non-verbal, written, or electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-down, as well as sign language.

(2) "Communication" means the expression or transmission of information from one person to another through verbal, non-verbal, written, or electronic means. Non-verbal means include gestures, such as thumbs-up and thumbs-down, as well as sign language.

(3) "Decision," "deliberation," "executive session," "governing body," "meeting," and "public body" have the meaning given those terms in ORS 192.610.

(4) "Decision-making process" means the process a governing body engages in to make a decision, such as: (a) identifying or selecting the nature of the decision to be made; (b) gathering information related to the decision to be made; (c) identifying and assessing alternatives; (d) weighing information; and (e) making a decision.

(5) "Deliberate" means to engage in deliberations.

(6) "Discussion" means the consideration or debate of a matter.

(7) "Intermediary" means a person who is used to facilitate communications among members of a governing body about a matter subject to deliberation or decision by the governing body, by sharing information received from a member or members of the governing body with other members of the governing body. The term "intermediary" can include a member of the governing body.

(8) "Public Meetings Law" means ORS 192.610 to 192.705.

(9) "Quorum" means the minimum number of members of a governing body required to legally transact business. In the absence of a statute, ordinance, rule, charter, or other enactment specifically establishing the number of members constituting a quorum, a quorum is a majority of the voting members of the governing body.

(10) "Serial electronic written communications" means a series of successive or sequential communications among members of a governing body using written electronic means, including emails, texts, social media, and other electronic applications that communicate the written word.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.610, ORS 192.620, ORS 192.630, ORS 192.640, ORS 192.650, ORS 192.660, ORS 192.670, ORS 192.672, ORS 192.680, ORS 192.685, ORS 192.690, ORS 192.695, ORS 192.700 & ORS 192.705

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0010

Governing Bodies Subject to the Public Meetings Law

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(1) The Public Meetings Law applies to the following types of governing bodies:

(a) **Decision-Making Bodies.** A decision-making body is a body with the authority to make decisions for the public body on policy or administration. A body meets this standard if its decision-making authority includes the power to exercise governmental power and act on behalf of the public body.

(b) **Advisory Bodies.** An advisory body is a body with authority to make recommendations to a public body on policy or administration.

(2) The Public Meetings Law does not apply to the following types of bodies:

(a) **Fact Gathering Bodies.** Bodies with only the authority to gather and provide purely factual information to a public body, and that do not have the authority to make decisions or recommendations.

(b) **Bodies Advising Individual Public Officials.** Bodies appointed by an individual public official with authority to make recommendations only to that individual public official who has the authority to act on the body's recommendations and is not required to pass the recommendations on unchanged to a public body.

(c) **Certain Multi-Jurisdiction Bodies.** Multi-jurisdictional bodies whose Oregon members do not constitute a majority of the governing body's voting members.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 244.610 & ORS 192.685

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0015

Meetings Subject to the Public Meetings Law

(1) The purpose of this rule is to clarify what meetings of a governing body are subject to the Public Meetings Law.

(2) The Public Meetings Law applies to the following types of meetings:

(a) Regular meetings;

(b) Special meetings;

(c) Emergency meetings;

(d) Executive sessions, whether convened separately or as part of a regular, special, or emergency meeting; and

(e) Meetings held for the purpose of either presenting information to the governing body to prepare the governing body for a regular or special meeting, or to allow the governing body to engage in preliminary discussions or deliberations. (These meetings are often called "work sessions" or "workshop" meetings).

(3) The Public Meetings Law does not apply to:

(a) On-site inspections of projects or programs, provided the members of the governing body do not engage in deliberations or decisions on matters that could reasonably be foreseen to come before the governing body.

(b) The attendance of members of a governing body at any national, regional or state association to which the public body or the members belong, provided the members of the governing body do not engage in deliberations or decisions on matters that could reasonably be foreseen to come before the governing body.

(c) Communications between or among members of a governing body, including communications of a quorum of members, that are:

(A) Purely factual or educational in nature and that convey no deliberation or decision on any matter that might reasonably come before the governing body;

(B) Not related to any matter that, at any time, could reasonably be foreseen to come before the governing body for deliberation and decision; or

(C) Nonsubstantive in nature, such as communication relating to scheduling, leaves of absence and other similar matters.

(d) Any matters listed in ORS 192.690.

(4) A private meeting where a quorum of a governing body engages in discussions or communications that are part of the governing body's decision-making process on matters within the authority of the governing body violates the Public Meetings Law.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.630, ORS 192.690, ORS 192.610 & ORS 192.685

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0020

Serial Communications Prohibited

(1) A quorum of the members of a governing body shall not, outside of a meeting conducted in compliance with the Public Meetings Law, use a series of communications of any kind, directly or through intermediaries, for the purpose of deliberating or deciding on any matter that is within the jurisdiction of the governing body.

(2) The prohibitions in section (1) apply to using any one or a combination of the following methods of communication:

(a) In-person;

(b) Telephone calls;

(c) Videos, videoconferencing, or electronic video applications;

(d) Written communications, including electronic written communications, such as email, texts, and other electronic applications;

(e) Use of one or more intermediaries to convey information among members; and

(f) Any other means of conveying information.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.610, ORS 192.630, ORS 192.685 & ORS 192.690

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0040

Notice Requirements

(1) Public notice, reasonably calculated to give actual notice, is required for all meetings of a governing body. The purpose of providing public notice is to give notice of the meeting details and subjects to members of the public at large, as well as to interested persons and media representatives who have requested notice.

(2) Methods of Notice:

(a) Notice to the Public. A governing body satisfies the public notice requirement in subsection (1) by providing notice of its meetings to be displayed conspicuously on the public body's or governing body's website or on a publicly accessible website hosted by a third-party and linked to the public body's or governing body's website. If the governing body does not maintain a publicly accessible website, the governing body shall satisfy the public notice requirements through other means such as posting on the Oregon Transparency Website, community postings, bulletin boards, newspaper notice, or any other means reasonably calculated to provide actual notice to the general public.

(b) Notice to Interested Persons. A governing body satisfies the interested persons notice requirement in subsection (1) by providing notice through:

(A) Interested person lists, mailing lists, or other lists of persons or groups maintained by the governing body to provide notice or communications;

(B) Social media platforms normally utilized by the governing body for communications; or

(C) Any other means reasonably calculated to provide actual notice to interested persons known to the governing body.

(c) Media Notice. A governing body satisfies the media notice requirement in subsection (1) by providing notice to those media representatives who have requested notice, either in the method requested by the media representatives or by any other means reasonably calculated to provide actual notice to the media representatives.

(d) State agencies shall also post meeting notices to the Oregon Transparency Website. Other public bodies may post notices to the Oregon Transparency Website.

(3) Content of Notice. The public notice shall identify:

(a) The time, date, location of the meeting, and, to the extent reasonably possible, the electronic link or telephone access information to allow members of the public to attend the meeting by telephone or electronic means.

(b) The agenda or list of the principal subjects anticipated to be considered at the meeting. The agenda or list of principal subjects shall be specific enough to permit members of the public to recognize the matters in which they are interested. The governing body may amend the agenda or may add or remove items from the list of principal subjects prior to or during a meeting.

(c) The name, telephone number, and email address of a person at the public body to contact to request an interpreter or other communication aids. As an alternative, the notice may indicate that the governing body will provide a sign language interpreter or other communication aids at the meeting.

(d) Executive Session Notice.

(A) If a meeting is being held only to conduct an executive session, the notice shall comply with sections (3)(a) through (c) and the notice shall also identify the specific statutory citation and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization.

(B) If an executive session is to be part of a regular, special, or emergency meeting, the notice shall comply with subparagraph (A) of this paragraph, prior to entering the executive session, the presiding officer shall identify in open session the specific statutory provision and appropriate subsection and paragraph authorizing the executive session, as well as a general description of the statutory authorization. The public announcement required in this section shall be made during the portion of the meeting that is open to the public and before entering into executive session.

(4) Timing of Notice. The public notice shall be issued in advance of the meeting in accordance with the following timelines:

(a) Regular Meeting: as much advance notice as reasonably possible, but no less than 48 hours advance notice. Providing notice of less than 48 hours is allowed if the meeting is held as a special meeting.

(b) Special Meeting: at least 24 hours advance notice.

(c) Emergency Meeting: as much advance notice as reasonably possible given the emergency circumstances. An "actual emergency" must exist.

(A) The governing body shall describe in the minutes the actual emergency and the reason why the meeting could not be delayed to allow at least 24 hours' notice.

(B) The governing body shall attempt to contact the media and other interested persons to inform them of the emergency meeting by telephone, e-mail, social media, or other method reasonably calculated to provide actual notice.

(C) If reasonably possible under the emergency circumstances, the emergency meeting notice shall be conspicuously displayed on the governing body's or public body's website or on a publicly accessible website hosted by a third-party hosted and linked to the public body's or governing body's website. If the public body or governing body does not maintain a publicly accessible website, the emergency meeting notice shall be conspicuously displayed on a notice board or in such other manner as the governing body determines may provide actual notice of the emergency meeting to the public.

Statutory/Other Authority: ORS 244.940

Statutes/Other Implemented: ORS 192.685, ORS 192.630 & ORS 192.640

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0050

Public Attendance: Meeting Locations

(1) All meetings of a governing body, other than executive sessions, shall be open to the public.

(a) Meetings may be held at locations as specified in ORS 192.630(4);

(b) Meeting locations shall be accessible to persons with disabilities as specified in ORS 192.630(5); and

(c) Meetings may not be held at discriminatory locations as provided in ORS 192.630(3).

(2) For meetings held by telephone or other electronic means of communication, the governing body shall make available a place or an electronic means by which the public can listen to or view the meetings in real time. The place provided may be a place where no member of the governing body of the public body is present.

(3) The governing body shall, to the extent reasonably possible, provide members of the general public an opportunity to access and attend meetings, excluding executive sessions, by telephone, video or other electronic or virtual means.

(4) For executive sessions where the media are statutorily authorized to be present, if any person, including any member of the governing body, is attending the executive session by telephone, video, or other electronic means, the governing

body shall provide members of the media the same attendance option. Nothing in this subsection prevents the governing body from establishing reasonable security measures to ensure the media's attendance by telephone, video, or other electronic means is conducted through a secure connection or method.

(5) When public testimony is permitted, the governing body shall:

(a) Allow oral testimony by telephone, video, or other electronic or virtual means if in-person oral testimony is allowed; and

(b) Allow written testimony, including that submitted by electronic mail or other electronic means, if in-person written testimony is permitted. The governing body may require the written testimony be submitted sufficiently in advance of the meeting so that the governing body is able to consider the submitted testimony in a timely manner.

(6) The Public Meetings Law does not provide the public the right to participate or to provide public testimony or public comment. In the absence of a statutory or other legal requirement to hear public testimony or comment on certain matters, a governing body may conduct a meeting without any public participation.

(7) Unless otherwise provided by statute, charter, or other organic law of the governing body or public body, the presiding officer has inherent authority to keep order and to impose any reasonable restrictions necessary for the efficient and orderly conduct of a meeting. If public participation is to be a part of the meeting, the presiding officer may regulate the order and length of appearances and limit appearances to presentations of relevant points.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.620, ORS 192.660, ORS 192.630, ORS 192.670, ORS 192.672 & ORS 192.685

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0055

Public Vote Requirements

(1) All official actions of a governing bodies shall be taken by public vote.

(2) Results of all votes shall be recorded, including the vote of each individual governing body member by name. For public bodies with more than 25 members, the individual votes do not need to be recorded unless one member makes such a request.

(3) Secret ballots are prohibited.

(4) If written ballots are used, the written ballot shall identify the individual governing body member by name and each governing body member's vote shall be announced during the meeting at which the vote occurred.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.610, ORS 192.650, ORS 192.660 & ORS 192.685

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0060

Minutes or Recordings Required

(1) For all of its meetings, including executive sessions, a governing body shall provide for either written minutes or audio, video, or digital recordings.

(2) The minutes do not need to be a verbatim transcript and the recordings do not need to include a full recording of the meeting, except as otherwise provided by law, but they shall give "a true reflection of the matters discussed at the meeting and the views of the participants" and shall include all of the information identified in ORS 192.650(1).

(3) After the meeting, draft minutes or recordings of all meetings, other than executive sessions, shall be made available to the public in accordance with the requirements of the Public Records Law and the policies or procedures adopted by the Public Body.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.620, ORS 192.650, ORS 192.672 & ORS 192.685

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0065

State Board or Commission Meetings Held Through Telephone or Electronic Means; Video and Audio Recordings

(1) A state board or commission that meets through telephone or other electronic means shall record and promptly publish a recording of the meeting on a publicly accessible website or hosting service so that members of the public may, without charge:

- (a) Observe a recording of the meeting if it was conducted through videoconference technology; or
- (b) Listen to a recording of the meeting if it was conducted through teleconference technology that did not include video capabilities.

(2) The requirements of subsection (1) do not apply to any portion of a meeting that was lawfully held in executive session.

(3) The requirements of subsection (1) apply to any state board or commission within the executive department and whose members are subject to Senate confirmation.

(4) The recording of the meeting shall remain accessible on the website or hosting service for no fewer than 30 days after the meeting.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.610, ORS 192.650, ORS 192.670, ORS 192.672 & ORS 192.685

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0070

Grievance Process

(1) The purpose of this rule is to clarify procedures regarding the requirements in ORS 192.705 for filing a written grievance with a public body alleging a violation by a governing body of provisions in Public Meetings Law.

(2) The written grievance shall be submitted to the public body within 30 calendar days from the date of the meeting where the alleged violation occurred. The written grievance shall identify:

- (a) The governing body that allegedly violated the Public Meetings Law;
- (b) The date of the meeting where the alleged violation occurred;
- (c) The specific facts and circumstances that the person asserts amount to a violation of the Public Meetings Law;
- (d) The date of the grievance; and
- (e) The name and contact information of the person submitting the grievance.

(3) The public body shall accept grievances that are filed through in-person delivery during regular business hours, by first-class mail, and by email. In addition, the public body may accept grievances by any other means it deems appropriate. A public body shall post on its website the person and contact information to whom a grievance may be submitted and the regular business hours during which in-person grievances will be accepted. In the absence of a designated person, a grievance may be submitted to the public body's chief administrative officer or to the chair of the governing body. If the public body does not maintain a publicly accessible website, the public body shall provide notice of the person and contact information to whom a grievance may be submitted and the regular business hours during which in-person grievances will be accepted in the same manner that it provides notice of its public meetings.

(4) The public body's written response to the grievance shall be submitted to the person who made the grievance within 21 calendar days from the date the grievance was received by the public body and shall satisfy the other requirements in ORS 192.705(2).

(5) As required by ORS 192.705(3), at the same time the public body responds to a grievance, it shall submit a copy of the grievance and its response to the Commission. The submission of the grievance and response to the Commission can be made by mail or by e-mail at the e-mail address identified on the Commission's website.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.705 & ORS 192.685

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0075

Complaints; Dismissal for Failure To Satisfy ORS 192.685

(1) The purpose of this rule is to clarify procedures regarding the opening of one or more preliminary reviews based on a complaint of violations of the Public Meetings Law made against one or more members of a governing body.

(2) A complaint alleging violations of Public Meetings Law that is filed with the Commission under ORS 192.685 will be construed as a complaint against all members of the governing body and cases will be opened for each member of the governing body.

(3) When a complaint involves the members of a governing body, the Commission hearing of the governing body members' cases will be consolidated at the preliminary review phase and investigative phase, unless one or more members of the governing body object to the consolidation. At the conclusion of the preliminary review phase or investigative phase, the Commission will make individual determinations regarding the cases of each member of the governing body.

(4) A complaint that is dismissed for failing to comply with the grievance requirements in ORS 192.685 is a procedural dismissal only. The dismissal does not prevent the Commission from taking up the matter on the Commission's own motion. The dismissal does not prohibit the Commission from considering a new complaint based upon the same conduct alleged in the dismissed complaint, if the new complaint is based on a grievance that was timely submitted to the public body and that complied with these rules.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.685, ORS 192.705 & ORS 244.260

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0080

Training Requirements

(1) All members of governing bodies are encouraged to comply with the minimum training requirements in Section (2)(a) through (c) of this rule.

(2) If a governing body has total expenditures of \$1 million or more in a fiscal year, as adjusted for inflation in the manner required by ORS 192.700(3), each member of the governing body shall:

(a) At least once during each term of office, attend or view a training on Oregon's Public Meetings Law provided by the Commission or approved by the Commission in the manner described in OAR 199-005-0085;

(b) Maintain a record of the training viewed or attended, including the date viewed or attended and the name of the provider of the training; and

(c) Truthfully certify completion of the training upon request of the Commission.

(3) A person who serves on multiple governing bodies, each of which require the mandatory training, may attend a single training to satisfy the requirements in section (2) of this rule so long as that training occurs during each applicable term of office.

(4) Exceptions. The training requirements in section (2) of this rule do not apply to:

(a) Members of a governing body if the governing body has total expenditures of less than \$1 million in a fiscal year, as adjusted for inflation; or

(b) Members of governing bodies of state government as defined by ORS 174.111.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.685 & ORS 192.700

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

199-050-0085

Training Delegation and Approval Process

(1) The Commission may delegate the preparation and presentation of Public Meetings Law trainings required under ORS 192.700 to another organization. A training provided by an entity other than the Commission does not satisfy the requirements of ORS 192.700 unless the Commission has approved the content of the training prior to the presentation of the training.

(2) An organization seeking Commission approval of its training shall submit a request, using the form available on the Commission's website, no less than 30 days prior to the presentation of the training. The organization shall provide copies of all training resources applicable to the training presentation, such as slides, handouts, narratives, and recordings, to the Commission for its review.

(3) The Commission's Executive Director will review the training content for accuracy to ensure that the training includes all substantive requirements of the Public Meetings Law and best practices for ensuring compliance with the Public Meetings Law. The Commission will make available on its website the rubric by which the Commission's Executive Director will evaluate whether or not a training meets the requirements.

(4) If the training content meets the requirements to the satisfaction of the Commission's Executive Director, the Commission's Executive Director shall approve the training program. A list of approved trainings programs shall be available on the Commission's website so that any person may verify that the training has been approved.

(5) The Commission's approval of an organization's training will expire one year from the date of approval. Organizations will need to resubmit their training or submit new training for approval annually.

Statutory/Other Authority: ORS 244.290

Statutes/Other Implemented: ORS 192.700

History:

GEC 1-2024, adopt filed 09/24/2024, effective 10/01/2024

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Chapter 2.05 COUNCIL MEETINGS

[1]

[1] *Prior legislation: Ord. 643.*

☐ § 2.05.010 Authority.

- (1) These rules are adopted pursuant to Chapter 4 Section 4.1 of the Burns City Charter, and shall be in effect after their adoption by the common council until such time as they are amended, deleted or replaced in the manner provided by the Charter or ordinances of the city.
- (2) These rules apply equally to the mayor and councilors.
- (3) These rules are to be observed in addition to and may not be contradictory to the current City Charter.
- (4) The mayor and council members shall respect each other and require that respect be given to them and to members of the city staff and the public during council proceedings.
(Ord. 09-801 § 1, 2009)

☐ § 2.05.020 The mayor and council.

- (1) The city council (hereafter, council) is the policy-making body of the city. Council decisions, whether or not unanimous, define the position of the entire council. Councilors who do not agree with the council's decisions, once made, should not publicly undermine council decisions.
- (2) No member of the council or the mayor shall be authorized to speak or write on behalf of the council unless authorized by a majority vote of the council.
- (3) Council decisions shall predominantly be policy decisions. The council is encouraged to have a collective philosophy, beliefs, values, commitments, and vision.
- (4) Presiding Officer. The mayor shall be the presiding officer and conduct meetings when present, preserve order, enforce the rules and determine the order and length of discussion on any matter before the council, subject to these rules. The elected council president shall preside in the absence of the mayor. In case of the absence of the mayor and the council president, the city manager or clerk shall call the meeting to order and the council shall elect a chairperson for the meeting by majority vote.
- (5) Councilors shall diligently prepare for meetings and shall be ready to vote on the consent agenda during meetings. Meetings flow more smoothly and take less time when all councilors are well informed on issues including law, policy and general information. Councilors will read all information prepared by city staff prior to meeting time.
- (6) Council members have the right to endorse candidates for all council seats or other elected offices. No council members shall mention or display endorsements during council meetings or other official city meetings.
(Ord. 09-801 § 2, 2009)

☐ § 2.05.030 Council meetings.

- (1) Regular meetings of the council will be held in the council chambers at the Burns City Hall on the second and fourth Wednesday of each month beginning at 6:00 p.m. and ending no later

than 8:00 p.m. A majority of the council may vote to extend the length of a council meeting if needed.

- (2) Times and dates of council meetings may be changed because of special circumstances, to facilitate work sessions or in order to have a quorum of councilors present. Regular meeting notice requirements must be followed.
- (3) Special meetings of the council may be called at any time upon the request of three members of the council, by the mayor, or by the council president in the mayor's absence, by giving notice of the meeting to the mayor and council members, news media which have requested notice, and the public at least 24 hours in advance in a manner and for such time as the exigencies of the circumstances may permit, but with a view to obtaining the largest possible attendance of council members.
- (4) Emergency meetings of the council are special meetings which may be called when no more than 24 hours' notice can be given. The minutes of the meeting shall state the nature of the emergency. Emergency meetings may be held by consent of a majority of councilors. An attempt must be made to notify the public or the press of the need for any emergency meeting. Only the topic of the emergency may be discussed at the meeting.
- (5) Workshop or training meetings of the council may be held at the convenience of the council on a date and time when as many council members as possible can attend. These meetings may be held for council goal setting, new councilor training, or longer workshops for planning programs or projects. Any goals arrived at by any process shall be confirmed in public at a regular council meeting. The public is welcome at such meetings but they may be held without opportunity for public input.
- (6) Executive sessions may be held by the council pursuant to ORS 192.640, 192.650, 192.660 and 192.670. Only staff members requested or required to attend will be present. Normally the city clerk is required to attend.
- (7) Public meetings of the council will be held in accordance with ORS 192.610 through 192.710. All regular and special meetings will be open to the public and provide an opportunity for public input.
- (8) Public Hearings. Public hearings shall be held: (a) to gather public or other input; or (b) in anticipation of formal council action (e.g., ordinance, resolution); or (c) sitting in a quasi-judicial purpose. Public hearings shall be preceded by the notice required by law and shall be conducted in compliance with all applicable law.
- (9) Pre-Meeting Conferences. Except for quasi-judicial hearings, a pre-meeting conference with the chief proponents of findings or issues, city staff members and opponents may be held. When circumstances allow, questions of fact may be resolved at such conferences and time may be saved at the hearing. To preserve the impartiality required for quasi-judicial hearings and to avoid violation of the open meeting law, pre-meeting conferences shall be conducted by city staff members rather than councilors.
- (10) Attendance. Councilors shall inform the mayor or city manager as soon as practical if unable to attend any council meeting. The mayor will inform the council president and/or the city clerk if unable to attend any council meeting.
- (11) Seating. Seating in the council chambers of the Burns City Hall is limited by the benches and chairs available as well as the space in the chambers. When the council or staff anticipates a large number of citizens in attendance for a particular meeting, the meeting place may be moved to a larger venue. (Charter Section 4.2)

(Ord. 09-801 § 3, 2009)

✓ **§ 2.05.040 Agenda and order of business.**

- (1) An agenda for each regular council meeting shall be prepared by the city manager, city clerk and the mayor. The city council may direct that specific items be included on the agenda. The city staff shall be given sufficient time to do necessary research or prepare necessary reports or documents to address agenda items. Agendas and informational material shall be distributed to the council by close of business on the Friday prior to each regular meeting.
- (2) Order of Business. The normal order of business for a regular council meeting shall be as follows:
 - (a) Call to order.
 - (b) Pledge of Allegiance.
 - (c) Consent agenda.
 - (d) Department head reports.
 - (e) Public comment.
 - (f) Public hearings.
 - (g) New business.
 - (h) Old business and follow-ups.
 - (i) Mayor/council comments and committee reports.
 - (j) Motion for adjournment.
- (3) The mayor may consider agenda items out of order as he/she deems necessary to facilitate the efficient management of the agenda and the needs or convenience of those in attendance.
(Ord. 09-801 § 4, 2009)

☐ **§ 2.05.050 Procedure for council meetings.**

- (1) Rules of Order. Unless otherwise provided by the Charter, ordinance, other law or these rules, the procedure for council meetings shall be governed by Robert's Rules of Order (current edition). The mayor, or presiding officer, shall maintain order, allow full discussion of all items on the agenda and get through all agenda items in the allotted meeting time.
- (2) The mayor shall maintain impartiality during all debates, but may express his/her views, and should have the respect of all meeting participants.
- (3) Call to Order. Includes welcoming public members, a brief explanation of general conduct and courtesy, meeting procedure, and a reminder that, except for staff, we are all volunteers. If possible, a copy of the meeting agenda will be available for viewing by all in attendance at the meeting.
- (4) Recognition. Every councilor desiring to speak shall first address the presiding officer, and await recognition to obtain the floor. No person, other than members of the council and the person having the floor, shall enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer.
- (5) Main Motion. The basis of discussion at a meeting is a motion. A motion is announced or put forward by a councilor for the purpose of focusing the discussion. Each motion requires a "second" before debate. No motion shall be debated until it has been announced clearly by the presiding officer and seconded.
- (6) Discussion. When a motion is "put on the floor" for discussion by the council, that discussion must focus on the substance of the current motion. All other discussion is out of order and not

allowed. Another motion, excepting only a motion to amend the current motion, or a motion to table, cannot be introduced while there is a motion on the floor.

- (7) **Order.** Councilors shall be acknowledged by the presiding officer in the order they have made their desire to speak known. Once a motion has been introduced and seconded, it is the presiding officer's responsibility to manage the discussion in an orderly manner. The councilor who seconds the motion shall be given an opportunity to speak after the councilor who made the motion. In order to make sure that all participants who wish to speak are heard, the presiding officer will allow speakers who have not yet spoken to speak before those who have already spoken.
- (8) **Amending a Motion.** A councilor who has the floor can move to amend the main motion currently being debated. An amendment is another motion that is used to change, by adding, subtracting or changing the main motion under discussion. When the amendment has been moved and seconded, all subsequent discussion must be on the substance of the new motion to amend. An amended motion can be amended once. An amendment can be passed by a simple majority vote of the council. If an amendment is passed, the discussion may continue on the motion as amended. If the amending motion is defeated or withdrawn, the discussion goes back to the main motion on the floor.
- (9) **Calling the Question.** If a councilor thinks that additional debate will be unproductive, he/she may "call for the question," which can end the debate. If no other councilor objects, the chair shall proceed to the vote on the motion. If there is an objection, the councilors shall vote on whether to end the debate. A two-thirds majority vote is required to pass a motion to end debate and no debate of that motion is allowed. If the "call for the question" motion is passed, a vote on the main motion shall be taken with no additional debate.
- (10) **Voting.** Prior to a vote, the presiding officer, the clerk, or the maker of the motion shall restate the motion to assure clarity of the issue. Except as otherwise provided by these rules or applicable law, when a quorum is present, a majority of the council present in person or by speaker phone and voting shall decide a motion. Each councilor's vote shall be recorded individually. A councilor who is present but abstains from voting is nonetheless present for quorum purposes. A councilor must be present in person or by speaker phone to vote.
- (11) **Abstentions.** Councilors may abstain from voting only when they have a conflict of interest or the reason for such abstention is first stated. Councilors who are not well informed on the issue that is being voted upon may move for continuance of the matter to a later meeting.
- (12) **Tie Votes.** A motion fails in the event of a tie vote.
- (13) **Point of Order.** If a councilor believes that the meeting is progressing outside the rules of order, he/she can raise a "point of order." In such case, he/she states what rule or order has been violated or not enforced by the presiding officer. A point of order can be used to interrupt a speaker. The presiding officer has the responsibility of determining if the point is valid or not. A point of order cannot be used to comment on a motion out of turn.
- (14) **Challenge the Chair.** If a councilor feels that his/her point of order was ruled on unfairly by the presiding officer, a challenge can be made to the chair. The presiding officer will then ask for a motion to uphold the chair's decision and a vote is taken. The vote by the council shall decide whether the presiding officer's action on the point was valid or not.
- (15) **Point of Information.** A point of information is a question raised by a councilor while another has the floor. The presiding officer asks the speaker if he/she wants to entertain the question when asked. The speaker can refuse. A point of information is only a question and cannot be used to speak out of turn or harass a speaker or disrupt the flow of the meeting.
- (16) **Table.** Normal discussion or debate at a meeting may end in one of several ways. If a councilor feels that the decision and vote on a motion needs to be delayed for any legitimate reason, that person can move to "table" the motion. A councilor must be recognized by the presiding officer in order to table a motion and cannot request this action at the end of a speech. Generally a

specific time limit is mentioned when tabling the motion so as not to leave the motion dangling. A motion to table requires a simple majority vote of councilors present in person or by speaker phone. The discussion allowed after a motion to table is limited to the length of time the motion is to be tabled.

- (17) Rescind. A councilor may make a motion to rescind a motion or resolution only if the matter to which it refers was passed at another meeting or on another day. The motion can only be made by a councilor who voted with the prevailing majority on the earlier vote on the motion. This motion requires a two-thirds majority of the councilors present in person or by speaker phone to pass.
- (18) Reconsider. A councilor can make a motion to reconsider if the subject motion, resolution, or matter was passed at that same meeting. The motion can only be made by a councilor who voted with the prevailing majority on the earlier vote on the matter. A two-thirds majority of the councilors present in person or by speaker phone is required.
- (19) Adjourn. A motion to adjourn takes precedence over all other motions, except a motion to fix the time to adjourn. This motion cannot be debated or amended, nor can a vote to adjourn be reconsidered. A motion to adjourn cannot be made when a speaker has the floor, or when a vote is being conducted. A meeting cannot be adjourned without a motion by a councilor, a second, and a majority vote of the councilors present in person or by speaker phone.
- (20) Public Comment. Members of the public desiring to address the mayor and council shall first be recognized by the presiding officer and then state their name and address for the record. Unless otherwise designated by the presiding officer, each person shall have up to three minutes to present their comments. Groups with like comments should choose a spokesperson to present their joint remarks.
- (21) City councilors normally should not directly respond to a public comment during the public comment period. Councilor comments should be held until the councilor comment period later in the meeting or referred to the city staff for a response at a subsequent time.
- (22) The council addresses policy and goals and should allow the city staff to address customers of city services. Councilors should refer people with questions or complaints about city services to the city staff, explaining that if they are not satisfied with the staff's response, they should ask to be put on the next council meeting agenda, or present their issue during the public comment period at the next council meeting, or address a letter to the city council.
- (23) Anonymous Communications. Anonymous and unsigned communications shall not be introduced in council meetings.
- (24) Public Comment During Public Hearings. Remarks shall be limited to the question then under discussion. All remarks and questions shall be addressed to the council as a whole and not to any individual councilor. Any remarks and questions regarding personnel or administration of the city shall be referred to the city manager by the presiding officer. The presiding officer may redirect other questions to a councilor as appropriate.
- (25) Questions of City Staff by City Councilors. Councilors may address questions directly to the city manager or staff member presenting an agenda item, who may either answer the inquiry or designate another staff member to do so. Councilors are encouraged to present their questions to the city manager prior to the meeting when possible.

(Ord. 09-801 §5, 2009)

☐ § 2.05.060 Decorum and order.

- (1) Definition of Decorum According to Webster's Seventh New Collegiate Dictionary.

decorum, 2. propriety and good taste in conduct or appearance, synonyms: DECENCY, PROPRIETY, DIGNITY, ETIQUETTE: DECORUM suggests conduct according with good taste, often formally prescribed; DECENCY implies behavior according with normal self-respect or profession or condition in life; PROPRIETY suggests an artificial standard of what is correct in conduct or speech; DIGNITY implies reserve or restraint in conduct prompted less by obedience to a code than by a sense of personal integrity or of social importance; ETIQUETTE is the usual term for the detailed rules governing manners and conduct and for the observance of these rules.

- (2) The presiding officer (chair) shall preserve order, maintain decorum and decide all points of order, subject to appeal to the council.
- (3) The councilors shall help the presiding officer preserve order and maintain decorum during council meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the authorized directions of the presiding officer or these council rules.

Councilors are encouraged to avoid the use of facial expressions conveying disrespect, disbelief, anger or boredom while others are speaking.

Councilors shall, when addressing city staff, the council, or members of the public, confine themselves to the questions or issues then under discussion, shall not engage in personal attack, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

Council members or staff shall not engage in hostile cross-examination, belligerently challenge or belittle a speaker, or make personal attacks or bigoted remarks of any kind, under any circumstance. Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Councilors shall dress with dignity and avoid clothing with written messages, especially those which suggest the councilor is not impartial on an issue which is or is likely to come before the council or which can reasonably be considered an effort to influence or intimidate the council or members of the public.

- (4) Members of the city staff, employees of the city and all other persons attending council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the council.
- (5) Any person who makes threatening, personal, or impertinent remarks, or who becomes unreasonably disruptive while addressing the council or attending a council meeting, or interferes with the conduct of the meeting in violation of these rules, may be removed from the room, after fair warning, if the presiding officer so directs. In case the presiding officer should fail to act, any member of the council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the council present, the person or persons shall be removed as if the presiding officer so directed.

Any person or persons engaging in such activity may be barred from further in-person audience before the council and, in aggravated cases, an appropriate complaint shall be issued by the presiding officer to prosecute this person or persons.

- (6) If a meeting is disrupted by members of the audience, or the council, the presiding officer may order that the council chamber be cleared and a recess called until order is restored.
- (7) Peace Officer. It shall be the policy of the city to have such an officer available at all regular and special meetings. The officer shall carry out all authorized orders and instructions given by the presiding officer for the purposes of maintaining order and decorum at the council meetings. If the officer determines that the actions of any person who violates the order and decorum of the meeting constitute a violation of any provision of any law, the officer may cite such person, or place such person under arrest and cause such person to be prosecuted under the provisions of the applicable law.

Before the officer is directed to remove any person from a council meeting for inappropriate behavior as described in these rules, that person shall be given a warning by the presiding officer to cease his or her conduct.

(Ord. 09-801 § 6, 2009)

☐ **§ 2.05.070 Censure, suspension and dismissal.**

- (1) The council has the inherent right to make and enforce its own rules and to ensure compliance with rules generally applicable to public bodies. Councilors who repeatedly violate these rules may be reprimanded or formally censured by the council. Serious infractions may also lead to other sanctions as deemed appropriate by the council and authorized by law.
- (2) To enforce its inherent authority, the council has the right to investigate the actions of any councilor. Such investigation shall be referred to the council as a whole in executive session to discuss any evidence or finding including whether reasonable grounds exist that a substantial violation or repeated violation has occurred. Under O.R.S. 192.660(2)(b), an accused individual has the right to request an investigation.
- (3) No individual councilor shall have the right to make public any information obtained through such investigation, unless the individual has requested it to be an open meeting.
- (4) If the mayor is the individual whose actions are being challenged, then the matter should be referred to the council president.
- (5) It is the responsibility of the council to initiate action if a councilor's behavior may warrant sanction. If no action is taken by the council, the alleged violation(s) can be brought up with an open council meeting or executive session.

(Ord. 09-801 § 7, 2009)

☐ **§ 2.05.080 Code of ethics.**

- (1) Councilors are encouraged to conduct themselves so as to bring credit upon the city as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the city as a whole. Councilors should likewise ensure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, social station or economic position.
- (2) If the mayor or a councilor represents the city before another public body, governmental agency, community organization or with the media, the mayor or councilor should always present the majority position of the council. Personal opinions and comments may be expressed only if they include clarification that these statements do not represent the position of the city council.
- (3) A councilor must have another councilor's concurrence before representing that councilor's view or position with the media, if it is different from the majority.
- (4) Councilors are encouraged to visit with other council members outside of meetings, so long as they observe the Oregon Open Meeting Law.

(Ord. 09-801 § 8, 2009)

☐ **§ 2.05.090 Council relations with city staff.**

(1)

Staff and councilors shall treat each other with respect if and when expressing disagreement in a public meeting.

- (2) No individual councilor or city council subcommittee has authority over the city staff.
- (3) The council sets city policies and goals; the city staff implements and administers the policies and goals. City staff is controlled by such policies and goals, city ordinances, Oregon law, training and supervision from the staff.
- (4) Councilors may seek information from staff or by making the request through the city manager but will not attempt to change or interfere with the operation or practice of any city department or personnel except by directing their concerns about policy to the council at large, which may direct changes to be made.
- (5) During city council meetings, requests for information shall be directed to the city manager, who may then redirect the request to the appropriate staff member. At other times, if the request for information would entail an effort that would require time to be spent in researching and/or preparing a response, the response shall be made directly to the council at the next scheduled meeting.
- (6) Councilors shall not attend meetings with city staff unless requested by staff or the council.
- (7) Legal Advice. Requests to the designated city legal counsel for advice shall not be made by a councilor except with the concurrence of the majority of the council present in person, by speaker phone, in writing, or by other means. The city shall not accept financial responsibility for any legal requests to the designated city legal counsel made by private citizens. Before requesting research or other action by the designated city legal counsel, the council is encouraged to consider consulting with the city manager to ascertain whether the request can be accomplished more cost effectively by other means. Outside a council meeting, a councilor should make requests of the designated city legal counsel through the city manager.
- (8) List of Items to Be Acted Upon or Tasks to Be Completed. The city manager shall keep a written running list of all tasks or actions to be done as determined by the council during council meetings. The list shall include what is to be done, by whom, timeline for completion, if any, what has been done and when, and be available at all times during and between meetings.

(Ord. 09-801 § 9, 2009)

☐ § 2.05.100 Committees.

- (1) The mayor, with common council approval, shall appoint the committees as outlined in the city ordinances.
- (2) Qualifications. All appointees to city boards, commissions or committees shall be registered electors, and shall have resided in the city of Burns for a period of at least one year, except the council by unanimous vote may waive the residency requirements for the airport and cemetery committees. Task force members may be appointed from inside and outside the city limits but should be involved in the city in some way, such as with a business located within the city.
- (3) The common council may, for cause, remove a member from any city committee, commission or task force prior to the expiration of the term of office. Reasons for removal may include, but are not limited to: missing three consecutive regular meetings, disruptive or inappropriate behavior prior to, during, or after meetings which prohibits the advisory body from completing its business in a timely manner, or not acting in the best interest of the city.
- (4) Members of the council will not attempt to lobby or influence any board, committee, task force or commission member on any item under their consideration. It is important for the advisory bodies to make objective recommendations to the council on items before them. Councilors that attempt to influence board, committee, task force or commission members on an item their role in reviewing the recommendation as councilors.

- (5) The budget committee shall consist of seven resident lay members and the members of the city council for a total of 14. The committee shall annually elect a committee chair, vice chair, and secretary. The lay members' terms shall be three years, overlapping.
- (6) A task force may be appointed for the length of time necessary to accomplish their mission. The appropriate number of appointees may be determined at the time of appointment.
(Ord. 09-801 § 10, 2009; Ord. 12-817 § 2 (Exh. A), 2012)

☐ § 2.05.110 Confidentiality.

- (1) Councilors must keep in complete confidence all written material and verbal information provided to them on matters that are privileged or confidential under law, to ensure that privileged or confidential information and the city's position is not compromised. No mention of information read or heard which is privileged or confidential under law should be made to anyone other than other councilors, the senior city staff or designated city legal counsel and then only on a "need to know" basis.
- (2) If the council, in executive session, provides opinions or information to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, a proposed, pending or likely claim or litigation, and/or employee negotiations, all contact with the other parties shall be made by the designated staff representative or person handling the negotiations or litigation.
- (3) All public statements, information or press releases on confidential matters shall be handled by the designated staff or council spokesperson.
- (4) Public Records. The disposition of public records created or received by councilors shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a councilor, including electronic mail messages, notes, memos and calendars (e.g., "Daytimers"), are public records and, unless privileged or confidential, are subject to disclosure under the Public Records Law.
- (5) Amendments, deletions or additions to these council rules shall be by ordinance.
(Ord. 09-801 § 11, 2009)

