

**CITY OF PHOENIX
PHOENIX, OREGON**

ORDINANCE NO. 985

**AN ORDINANCE OF THE CITY OF PHOENIX
AMENDING TITLE 2 OF THE CITY MUNICIPAL CODE**

RECITALS:

WHEREAS, the City of Phoenix (“City”) has enacted City Council Rules of Procedure, codified in Title 2 of the Phoenix Municipal Code, governing the methods and rules of the conduct of City Council business; and

WHEREAS, the City Council of the City of Phoenix finds that City Council Rules of Procedure requires updating from time to time for purposes of clarity and modernity; and

WHEREAS, it is legislatively decided in the best interest of the City to enact the following modified provisions to Title 2, Chapter 2.28;

NOW, THEREFORE BE IT RESOLVED, THE CITY OF PHOENIX ORDAINS AS FOLLOWS:

2.28.010 Authority and purpose statement.

The charter of the city of Phoenix provides that the city council shall adopt rules for governing its proceedings. The following set of rules shall be in effect upon their adoption by the council and until such time as they are amended or new rules adopted.

(Ord. 972 (part), 2016; Ord. No. 916, § 1, 4-20-2009)

2.28.020 Rules of the city council.

A. General Rules.

1. **Meetings to Be Public.** The deliberations and proceedings of the council shall be open to the public, except as state law may provide otherwise (e.g., executive sessions).
2. **Time.** The time of six thirty p.m. will be set for all council meetings, except for extraordinary circumstances. Meetings will close at nine p.m.; require two-thirds approval of motion to extend until nine thirty p.m.; and then full council approval of a motion to extend until no later than ten p.m.
3. **Holidays.** No city meetings will be held on city recognized holidays: New Year’s Day, President’s Day, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving Day, and Christmas Day.
4. **Quorum.** Except as provided in Section 33 of the city of Phoenix Charter, four councilmembers shall constitute a quorum and be necessary to conduct business. If the mayor’s

inclusion is needed to establish a quorum, he/she may become a voting member for that meeting. As set forth in Section 33 of the Phoenix Charter, a vacancy in the council shall be filled by appointment by a majority of the remaining council members, regardless of the actual number of remaining councilors.

5. Minutes of Meetings.

a. **Scope.** This rule is designed to meet the requirement of the Phoenix Charter that the council shall keep a record of its proceedings and it shall apply to minutes of all official meetings of the council.

b. **Purposes.** The purposes of the minutes of the council include the following:

i. To comply with the Oregon Public Meetings Law (ORS 192.610 through 192.690) and the Phoenix Charter (Chapter 4, Section 15);

ii. To provide a historical record for information, future research and examination;

iii. To provide a record of directives, reports, and the like for use by the administration of the city; and

iv. To provide a record of the legislative intent of the actions of the council.

c. **Responsibility.** The city recorder, or such other person the city manager may designate, shall have the responsibility for preparing minutes, correcting minutes to reflect council amendments, retaining minutes, and furnishing copies of minutes to persons desiring a copy.

d. **Content of Minutes.** The minutes of meetings of the council shall comply with provisions of ORS 192.650 and amendments thereto, which specifically contain the following requirements:

i. Minutes shall be taken for all meetings of the council;

ii. Minutes shall accurately reflect the matters discussed and views of participants;

iii. Minutes shall be available to the public within a reasonable time after the meeting, subject to subsection (A)(5)(i) of this section regarding a fee for copies;

iv. Minutes shall contain the following information at a minimum:

a) The name of councilors and mayor;

b) All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;

c) The result of any votes, including ayes and nays and the name of councilors who voted;

d) The substance of the discussion on any matter; and

e) Reference to any document discussed at the meeting.

v. The form of executive session minutes shall be either written minutes or a sound recording.

e. **Preparation.** Minutes shall be prepared with sufficient detail to meet their intended uses. Specifically, the following guidelines shall be used:

i. Verbatim minutes are not required;

- ii. Sound recordings shall be made of each meeting. Equipment malfunction shall not negate the minutes. The city recorder may temporarily interrupt council proceedings in the event of equipment malfunction, change of tapes or other short-term loss of recording;
 - iii. If a verbal staff report is a summary of an agenda bill and attachment, it may be so referenced in the minutes;
 - iv. Names, and when furnished, addresses of each person testifying shall be included in the minutes;
 - v. If a citizen's verbal testimony is a summary of a written letter or other submission, it may be so referenced in the minutes;
 - vi. All exhibits submitted and received by the mayor during hearings, and all other documents submitted, shall be incorporated into the minutes;
 - vii. The minutes shall be prepared in final form and distributed with the next council meeting agenda packet;
 - viii. Minutes are public records upon composition; however, if distributed to the public before prepared in final form for council approval or if less than a full set is distributed before council approval, "DRAFT" shall be noted on the cover page, unless the minutes are to be distributed piecemeal, in which case "DRAFT" shall be noted on each reproduced page.
- f. Submittal to Council. After being prepared in final form by the city recorder or designee, the preparer shall sign the minutes, and include them on the council's next agenda.
- g. Amendment and Approval. The council may amend the minutes to more accurately reflect what transpired at a meeting. An individual councilor may call for additions or corrections to the minutes. Unless there is disagreement from other councilors, the motion to approve the minutes shall include the minutes as amended. If the council questions the minutes or is unsure they accurately reflect what transpired during a meeting, the council may postpone approval of the minutes until a transcript of the portion of the meeting in question can be prepared. Information obtained subsequent to a meeting, which is relevant to discussions or action which occurred during that meeting, may be referenced into the record of the meeting at which the minutes are approved. The council is the final authority as to amendment of the minutes. After council approval, the city recorder shall incorporate any amendments approved by the council, the mayor shall sign the minutes, and the city recorder shall initial each page containing an amendment. Under no circumstances shall the minutes be changed following approval by the council, unless the council authorizes such a change.
- h. Retention. When approved and fully executed, the minutes shall be kept on file in the city recorder's office for two years, and then transferred to a storage area for permanent retention. Sound recordings of council meetings shall be retained for a minimum of five years, subject to the council ordering retention for a longer time.
- i. Public Access and Copies. Both written minutes and sound recordings, excluding executive sessions (ORS 192.660), shall be available for public inspection during office hours. Copies of written minutes shall be available to the public. The fee for these copies will be the city's current charge for such services. Sound recordings and a transcriber shall be available to the public for use on city premises. Citizens may use their own tapes and recorders to make copies of sound recordings. The city recorder may implement additional reasonable rules and procedures to

assure the preservation of original sound recordings. The city is not required to cause a transcript to be made of council meetings. Upon a citizen request, however, copies of transcripts made for other purposes shall be made available in the same manner and for the same cost as written minutes.

6. Right of Councilor to Be Heard. Any councilor desiring to be heard shall be recognized by the presiding officer, but shall confine his or her remarks to the subject under consideration or to be considered.

7. Rules of Order.

a. The "Robert's Rules of Order Newly Revised" shall govern the proceedings of the council for decorum in all cases. The provisions of this chapter and Oregon law shall govern the procedure of all meetings. The City Attorney shall be the parliamentarian for the council. If the City Attorney is absent, the presiding officer shall be the parliamentarian.

b. Types of Meetings.

i. Regular Meetings. The council shall meet in the designated council chambers for regular meetings unless another facility is needed to accommodate an anticipated increase of attendance by the public at any meeting. The regular council meetings are to commence at six thirty p.m. the first and third Mondays of each month, unless the council cancels a specific meeting. With the consent of the Council, the Mayor may designate an alternate location for a regular meeting.

ii. Special Meetings. Special meetings may be called by the mayor or by three or more councilors. The call for a special meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered. No special meeting shall be held until at least twenty-four hours after the call is issued, unless an emergency is declared by the caller(s) and approved by the mayor. Only such business may be transacted at a special meeting as may be listed in the call for said meeting or as incident thereto.

iii. Recessed Meetings. Any meeting of the council may be recessed to a later date and time; provided, that no recess shall be for a longer period than until the next regular meeting.

iv. Executive Sessions. Executive sessions may be held in accordance with the provisions of the state public meetings law. Executive sessions may be called by the Mayor or presiding officer, by the request of three members of council, by the city manager or by the city attorney.

- a) Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions.
- b) Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
- c) Councilors will keep all written materials marked as confidential in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or City Attorney.
- d) 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.

- e) All public statements, information, or press releases relating to a confidential matter will be handled by designated staff, the Mayor, or a Councilor designated by the majority of Council.

c. Participation in and absences from meetings

- i. A councilor who is unable to physically attend a meeting may, with the consent of a Council majority, participate by telephone or other electronic means, as long as all conditions of ORS 192.670, as it currently exists or may from time to time be amended, are met.
- ii. Councilors shall refrain from the use of electronic communication devices during Council meetings except for the purpose of accessing electronic agendas and supporting materials. Electronic Communications means e-mail, text messages, or other forms of communications transmitted or received by technological means. Electronic Communications Devices means lap-top computers, smart phones, cell phones, notebooks, or other similar devices capable of transmitting or receiving messages electronically.
 - a) Councilors shall not send or receive electronic communications concerning any matter pending before the Council during a Council meeting.
 - b) Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before the Council during a Council meeting.
 - c) Councilors shall not access the internet but may access Council packet information concerning any matter pending before the Council during a Council meeting.
 - d) Any electronic communications regarding a quasi-judicial matter to be considered by Council is an ex-parte contact and shall be disclosed as required by law.
- iii. If a Councilor will be absent from an upcoming Regular Meeting, the Councilor may request during a Regular Meeting that consideration of an agenda item be postponed to a future Regular Meeting. The request will be honored if the majority of the Council votes in favor of postponement and the matter is not time-sensitive. If the request to postpone is made outside a regular Council meeting the Councilor requesting the postponement shall submit a request to the Mayor or City Manager in writing or by email as early as possible. The request to postpone will be honored unless the majority of the Council at the public meeting votes not to postpone the item or if the matter is time-sensitive.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

2.28.030 Presiding officer and duties.

A. Presiding Officer. The mayor shall preside at all meetings of the council. In the absence of the mayor, the president of the council shall preside. In the absence of both the mayor and the president of the council the vice-president shall preside at the meeting.

B. Call to Order. The meetings of the council shall be called to order by the mayor, or in the mayor's absence, by the president or the vice-president of the council. In the absence of all three, the meeting shall be called to order by any councilor for the purpose of electing a councilor to preside at the meeting, so long as a quorum exists.

C. Preservation of Order. The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of councilor's motives, and confine councilor debate to the question under discussion. Any of the following shall be sufficient cause for the Sergeant-at-Arms to, at the direction of the Presiding Officer, or by a majority of the Council present, remove any person from the Council chamber for the duration of the meeting:

1. Use of unreasonably loud or disruptive language, including personal, offensive or slanderous remarks, or actions that are boisterous, threatening or personally abusive.
2. Making of loud or disruptive noise, including applause.
3. Engaging in violent or distracting action.
4. Willful injury of furnishings or of the interior of the Council chambers.
5. Refusal to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
6. Refusal to obey an order of the Presiding Officer or an order issued by a Councilor which has been approved by a majority of the Council present.
7. Before the Sergeant-at-Arms is directed to remove any person from a Council meeting for conduct described in this section, that person shall be given a warning by the Presiding Officer to cease his or her conduct. If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Council present may declare a recess and/or order that the Council chamber be cleared.

E. Points of Order. The presiding officer shall decide all points of order, subject to the right of any councilor to appeal to the council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" The presiding officer may consult with the parliamentarian before ruling on a point of order.

F. Questions to Be Stated. The presiding officer shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken on any matter upon the request of any councilor in the same manner as the final adoption of an ordinance.

G. Substitution for Presiding Officer. The presiding officer may call the president or vice-president of the council or, if both absent, any other councilor to temporarily preside over the meeting in order to take part in debate, to make a motion, or to cover a temporary absence, such substitution not to continue beyond adjournment.

H. Unless excused by the presiding officer, the City Manager shall attend all meetings of the Council.

I. The police chief shall act as the Sergeant at Arms. The police chief or his/her designee shall attend all regular and special meetings of the Council.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

2.28.040 Order of business and agenda.

- A. Order of Business. The general rule as to the order of business in regular meetings shall be as follows:
1. Call to order.
 2. Pledge of allegiance.
 3. Roll call.
 4. Visitors'/citizen comments. Presentation of any matter not on the agenda, with discussion limited to three minutes per speaker. A majority of the council may vote to extend the time upon a showing of good cause.
 - a. Members of the public may speak during public comment about any topic not on the agenda for the same meeting. The public comment period shall be 15 minutes, unless a majority of the Council votes to extend the time. Any Councilor may request that any matter discussed during public comment be placed on a future Council agenda.
 - b. Public comment is not to be used to provide or gather additional testimony or information on a quasi-judicial matter. Public testimony will not be accepted on a matter subject to a public hearing where the record has been closed if the matter is still pending.
 - c. Persons wishing to speak during public comment are to submit a "speaker request form" prior to the commencement of the public comment and deliver the form to the city recorder. The Mayor or presiding officer is to inform the audience on requirements for submission of the form. When possible and feasible, preference will be given the individuals who reside within the City limits of Phoenix. Persons who do not reside in the City may be placed at the end of the list of those wishing to speak at public comment.
 - d. Councilors may, after being recognized by the Mayor or presiding officer, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to clarifications of speakers' statements. The presiding officer may intervene if a councilor is violating the spirit of this guideline. Questions and answers shall not exceed three minutes.
 5. Public hearings.
 6. Consent agenda.
 7. Attorney's report.
 8. City manager's report.
 9. Planner's report.
 10. Engineer's report.
 11. Special presentations to the council.
 12. Action items, including unfinished and new business.
 13. Ordinances, including reading and/or adoption.
 14. Council items.
 15. Staff items or reports.
 16. Adjournment.

The presiding officer may, at his/her discretion, except for items (A)(1) through (4), change the order of business on the agenda and omit items (A)(7) through (10), unless he is specifically requested to retain them on the agenda.

B. Agenda. The city manager shall prepare an agenda of the business to be presented at the regular council meeting and shall prepare or cause to be prepared an agenda report for each action item that generally describes the background, policy implications, strategic plan reference, staff recommendation and fiscal impact of the item. The items on the agenda should follow the formal order of business prescribed above. The City Manager, Mayor, and any council member may request that a matter be placed on the agenda. The City Manager shall have discretion of placing an item requested by a Council member on the agenda for the upcoming meeting or a subsequent meeting because of time constraints but in no case shall the item be placed on an agenda that is more than four regular meetings later than the date of the original request. A member of the Council who wishes to have an item placed on the agenda shall advise the city manager at least one week prior to the meeting.

1. A Councilor wishing to add to the Council's agenda an item requiring, in the city manager's sole judgment, more than two hours of preparation by staff, including policy research and document drafting, should first propose the addition at a Regular Meeting under Mayor and Council Comments. The Council should consider such additions to the Council agenda in light of City priorities, including adopted City Council Goals, and workload. The Council must agree to proceed with an issue or ordinance before staff time is spent preparing the matter for Council action. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.
2. No Council approval shall be required for an agenda of any meeting.
3. The city manager may place routine items and items referred by staff on the agenda without Council approval or action.
4. The city manager may remove any items on the consent 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 Mayor or presiding officer shall announce such removal under announcements/ proclamations.
5. The City Manager or any Council member, subject to approval by a majority of the council present at the meeting, may add an item to the agenda at the beginning of the meeting.

C. Presentation by Councilors. The agenda shall provide a time when any councilor may bring before the council, subject to Oregon public meetings law, any business the councilor feels should be deliberated upon by the council. These matters need not be specifically listed on the agenda, but the council may decline formal action on such matters or the matter may be deferred by the council to a subsequent meeting if the matter(s) will require deliberation by the council.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

2.28.050 City attorney.

A. Position.

1. The council shall annually review the performance of the city attorney.

B. Duties.

1. Provide legal advice and opinions orally and in writing to the council, mayor, any other person authorized by the council or any administrative staff authorized by the mayor to obtain such advice and opinions;
2. Prepare and negotiate contracts and other legal instruments as directed by the council. Review and approve, as to form, all written contracts, bonds, real property instruments and other legally binding documents to which the city is a party;
3. Prepare or have final approval over all ordinances, resolutions, orders or other documents of council decisions, prior to their submission to the council for adoption or approval;
4. Represent and defend the city and its boards, commissions, committees, officers and employees. The city attorney shall not represent persons who the council determines have acted outside the scope of their employment or duties, committed malfeasance in office, or willful neglect of duty;
5. Institute legal actions for the city in any court or tribunal as directed by the council. If approved by the council, the city attorney shall institute appeals on behalf of the city in any case in which another party has first appealed. The city attorney shall institute other appeals as directed by the council;
6. Submit written or oral reports to the council as frequently as required by the council concerning the status of all tort claims and legal actions in which the city is a party;
7. Such other duties as the council shall, from time to time, assign to the city attorney; and
8. Acts as prosecutor in municipal court.
9. **Serves as the parliamentarian at all City Council meetings he/she attends.**

C. Records. The city attorney shall maintain records of all significant written opinions furnished to the city or to any department, official, or employee, and at the city office.

D. Attorney-Client Relationship. The city and the office of the city attorney shall have an attorney-client relationship, and the city shall be entitled to all the benefits thereof.

E. Settlements. The city attorney may settle legal claims as decided by the council.

F. Requests to the City Attorney. Requests to the City Attorney for legal advice requiring more than a de minimis amount of legal research shall not be made by a member of the Council outside of a Council meeting. Requests for legal advice shall be made of the City Attorney through the City Manager or by the Mayor, who shall determine in his or her sole discretion whether to seek such advice from the City Attorney, except for issues related to the performance of the City Manager, in which case inquiry shall be made by the Mayor. The City Attorney shall in either case provide written responses to the full Council and the City Manager.

(Ord. 972 (part), 2016; Ord. No. 916, § 1, 4-20-2009)

2.28.055 Ad-hoc Committees.

A. The council may create committees to assist in the conduct of its charter duties with such assignments as the council may specify. The mayor, subject to the consent of the council, shall

appoint members to such committees to serve until the special purpose for which the committee was created has been accomplished or the committee is abolished by the council. All committees so created shall be advisory to the council and shall conduct their meetings in accordance with the public meetings law. For the purpose of local budget law, the mayor is a member of the governing body of the city of Phoenix.

B. The City Manager shall create a charge for each committee after it has been created and stipulate that the committee work shall adhere to the charge unless otherwise authorized by the Council.

(Ord. 972 (part), 2016; Ord. No. 916, § 1, 4-20-2009)

2.28.060 Conduct of legislative and quasi-judicial hearings.

A. Nature and General Conduct of Quasi-Judicial Hearings.

1. The council, when conducting quasi-judicial hearings, shall afford persons entitled under the codes of the city, such as the development code, notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, to have the proceedings recorded, and to have a decision based on substantial evidence.
2. No person in attendance shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing. Any person may be removed from the hearing for such conduct.
3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.
4. No person shall testify without first receiving recognition from the presiding officer and stating his or her name and residence or business address.
5. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by city personnel shall be deemed relevant, material and competent unless objected to by a party to the hearing with good cause and at the first available opportunity.
6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.
7. The presiding officer, councilors, city attorney and, with the approval of the presiding officer, any other officer or employee of the city may question and cross-examine any person who testifies.

B. Challenging Participation by a Councilor.

1. Any proponent, opponent of, or other party interested in a matter to be heard by the council may challenge the qualification of any councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a councilor's bias, prejudgment, personal interest, or other facts from which the party has concluded that the councilor will not participate and make a decision in an impartial manner.
 - a. Such challenge must be made prior to the commencement of the public hearing.
 - b. Such challenge shall be incorporated into the record of the hearing.

2. No councilor shall participate in discussion or vote on the matter when for any reason the councilor determines he or she cannot participate in the hearing and decision in an impartial manner.

3. No other officer or employee of the city who has a financial or other private interest shall participate in discussion with, or give an official opinion to, the council on the matter without first declaring for the record the nature and extent of such interest.

4. The general public has a right to have councilors free from prehearing or ex parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, councilors shall reveal any significant prehearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing on the matter. If such contacts have impaired the councilor's impartiality or ability to vote on the matter, the councilor shall so state and shall abstain therefrom.

5. Notwithstanding any provision of this or any other rule: (a) an abstaining or disqualified councilor may be counted for purposes of forming a quorum; and (b) a councilor may represent himself or herself, a client or any other member of the public at a hearing; provided, that councilor:

a. Abstains from the vote on the matter;

b. Removes himself or herself from the council area and joins the audience; and

c. Makes full disclosure of his/her status and position at the time of addressing the council.

C. Burden and Nature of Proof. The burden of proof is upon the proponent, if any. The more drastic the change, or the greater the impact of a proposal in an area, the greater the burden upon the proponent.

D. Order of Procedure. The presiding officer, in the conduct of the hearing, shall:

1. Commence the Hearing. Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.

2. Call for Abstentions.

a. Inquire of the council whether any member thereof wishes to abstain from participation in the hearing. Any councilor then announcing a decision to abstain shall not participate in discussion of the matter or vote on the matter.

b. Any councilor whose participation has been challenged by allegation of bias, prejudice, personal interest, or partiality or who has been subject to significant ex parte or prehearing contact with proponents or opponents may make a statement in response thereto or in explanation thereof, as part of his or her decision to participate in the hearing. This statement shall not be subject to cross-examination, except upon consent of that councilor, but shall be subject to rebuttal by the proponent or opponent, as appropriate.

3. Objections to Jurisdiction. Inquire of the audience whether there are any objections to the jurisdiction of the council to hear the matter. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the council lacks jurisdiction or the procedural requirements of any code or ordinance provision were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the council.

4. Staff Report, Planning Commission Recommendation, Etc. Summarize the nature of the matter, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the planning commission or other appropriate board or agency and provide such other information as may be requested by the council. The presiding officer may request a representative of staff or any other city officer or employee to perform this duty.

5. Proponent's Case. The presiding officer shall determine whether the proponent will present the case in person or by representative. The applicant-proponent shall first be heard and persons in favor of the proponent's proposal shall next be heard.

6. Opponent's Case. Opponents shall be heard in the following order:

a. Neighborhood associations, special organizations formed for the purpose of opposition, or other groups represented by council or a spokesperson shall be allowed by the presiding officer to first proceed.

b. Persons who received notice of the hearing or who were entitled to receive notice of the hearing are presumed to have an interest in the proposal and shall next be heard.

c. Persons who did not receive notice and who were not entitled to notice shall next be heard.

7. Public Agencies. The presiding officer shall allow representatives of any city, state agency, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to next be heard.

8. Rebuttal Evidence. The presiding officer shall allow the proponent to offer rebuttal evidence and testimony and, if provided, allow the opponent or other interested party to rebut the new evidence or testimony offered by the proponent's rebuttal.

9. Written Communications. Written communications addressing a matter before the council at a hearing shall be distributed to the council before commencement of the hearing and considered for receiving into evidence.

10. Close of Hearing and Deliberation by Council. The presiding officer shall conclude the hearing and the council shall deliberate the matter. The council shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, the staff, or the planning commission, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings and the presiding officer shall not allow additional submission or testimony, except upon approval by the council.

E. Official Notice.

1. The council may take official notice of the following:

a. All facts which are judicially noticeable; and

b. The charter, codes, ordinances, resolution, rules, regulations and official policies (if written) of the city.

2. Matters officially noticed need not be established by evidence and may be considered by the council in the determination of the proposal.

F. Record of Proceedings.

1. The city recorder, or other designee of the presiding officer, shall be present at each hearing and shall cause the proceedings to be written or electronically recorded to comply with provisions of ORS 192.650. It shall not be necessary to transcribe testimony unless required for judicial or administrative review or unless ordered by the council.
2. The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering the same and whether presented on behalf of proponent or opponent. Unless evidence is capable of being offered and incorporated in the record of the case, it shall not be received. All exhibits received into evidence shall be retained by the council until after any applicable appeal period has expired, at which time, the exhibits may be released, upon written request to the person identified thereon.
3. Any member of the public shall have access to the record of the proceedings at reasonable time, places and circumstances. Any member of the public shall be entitled to have copies of the record at his or her own expense.

G. Publication of Hearing Rules.

1. These rules governing conduct of hearings shall be placed on record with the city recorder.
2. A copy of these rules for conduct of hearings shall be available to the public. The fee for these copies will be the city's current charge for such services.
3. These rules are supplementary to any other rules of procedure adopted by the council; provided, however, these rules shall control where there are conflicting provisions, unless provided otherwise herein.

H. Legislative Hearings. All of the above rules shall apply to legislative hearings (comprehensive plan updates, development code updates, map amendments, etc.) except that city councilors are allowed to participate and vote on any matter regardless if a bias exists (refer to subsection (B)(2) of this section), and may have prehearing ex parte contacts (refer to subsection (B)(4) of this section).

(Ord. 972 (part), 2016; Ord. No. 916, § 1, 4-20-2009)

2.28.070 Execution of contracts.

- A. Purpose. This rule constitutes guidelines for executing certain contracts that the council has authorized through the contracts review process, the development process or the budget process. It does not affect the need for public bidding. It clarifies when a contract may be executed by the city manager or mayor (or, in the absence of the mayor, the council president) without additional council approval of the contract itself.
- B. The city manager or mayor (or, in the absence of the mayor, the council president) may execute the following contracts without further council approval:
1. The resulting contract when the council acting as the contract review board selects a contract bid or proposal or authorizes an exemption.

2. Real property acquisitions, which are an incidental part of a public improvement project approved by council, or acquisitions, which are a condition of a development permit, unless the other party requires council approval.

3. Except for real estate transactions not covered by subsection (B)(2) of this section and outside legal counsel's services which must be approved by the council, all other public contracts, providing any funds required to be paid by the city pursuant to the contract have been specifically identified in the budget and do not exceed the amount appropriated for the purpose.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

2.28.080 Reconsideration of actions taken.

Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the city, any councilor who voted with the majority, or was not present at the time of the vote, may move for reconsideration of an action at the same or the next following regular meeting of the council. Once a matter has been reconsidered, no motion for further reconsideration thereof shall be made without unanimous consent of the council.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

2.28.090 Councilor liaisons to committees, boards, commissions and outside organizations.

A. The council has created the position of council liaison to maintain contact between the council and city committees, boards and commissions. Unless specifically provided otherwise in the codes, ordinances, resolutions or other regulations of the city, a councilor who is the liaison to any committee, board or commission of the city shall not chair that body. Nothing in this rule is intended to limit the councilor's right to take part in all discussion and debate in any matter before the committee, board or commission. Council liaisons shall report to the entire Council on significant and important decisions or activities of each City board or committee, or state, regional, and community organizations to which they have been assigned at the first Council meeting following a meeting of that board or outside body. Council liaisons may also request that representatives of these organizations be invited to give a short annual presentation to the Council.

B. If a member of the council appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council. If the Council has not approved an official position and has not had the opportunity to confer with the Council representative on a matter under deliberation in the subject external organization, the representative shall make a good-faith effort to reflect what the representative believes the full Council's position would be if the Council were to consider the matter, regardless of the representative's personal views, and shall report to the Council on the matter discussed in the external organization at the next feasible opportunity thereafter.

C. Council representatives serving as voting members on another organization's Board of Directors should work in the best interest of that organization unless such action would not be in the best interest of the City of Phoenix.

D. If a member of the council appears in their personal capacity before another governmental agency, the media or an organization 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.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

2.28.100 Evaluation of contracted officers.

The council, by majority vote of the entire council, may appoint and remove all contracted officers subject to their contracts.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

2.28.110 Requests for administrative staff action--Consensus of council.

- A. This rule governs situations where, although no formal vote is taken on a matter discussed by the council at a meeting, at least one councilor requests some action from the administrative staff. The presiding officer shall determine if agreement exists among all present at the meeting. If consensus is established or a formal vote taken approving the request for action, the directive shall be made to the city manager rather than the individual staff member. This rule does not apply to matters directed to the contractual person.
- B. All members of the council shall respect the separation between the council's role and the city manager's responsibility by:
1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
 2. Refraining from actions that would undermine the authority of the city manager or a department head.
 3. Limiting individual inquiries and requests for information from staff to those
 4. Questions that may be answered readily as part of staff's day-to-day responsibilities. Requests that require significant staff time or resources (two hours or more) should be directed to the City Manager and must be approved by the City Manager or by a majority vote of the City Council.
 5. Information given by the City Manager or City Staff, including materials requested by individual Councilors and the Mayor, generally will be distributed to all Councilors with a notation indicating who has requested that the information be provided.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

2.28.120 Council interactions amongst itself.

- A. When interacting with other councilors in public settings including Council meetings, councilors shall:
1. Practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democratic governance. This does not allow, however, Council members to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.

2. Avoid personal comments that are intended to, or could reasonably be construed to, offend other members or citizens. If a Council member is offended by the conduct or remarks of another member, the offended member is encouraged to address the matter early with the offending member.

2.28.130 Suspension of rules; motions; failure to adhere.

A. Any provision of these rules not required by state law or the Phoenix Charter may be temporarily suspended by the council.

(Ord. 972 (part), 2016: Ord. No. 916, § 1, 4-20-2009)

B. No motion or intervening action shall be received or recognized by the presiding officer when a question is under debate, except for the secondary motions and intervening actions listed below. The disposition of any motion or action listed below must occur before consideration of any other action lower on the list.

To Do This	You Say This	May You Interrupt Speaker	Must You Be Seconded	Is The Motion Debatable	What Vote Is Required
*Adjourn the meeting	"I move that we adjourn"	No	Yes	No	Majority
Recess the meeting	"I move that recess until..."	No	Yes	No	Majority
*Complain about noise, room temperature, etc.	"Point of privilege"	Yes	No	No	No vote
*Make presiding officer follow agenda	"I call for the orders of the day"	Yes	No	No	No vote
*Suspend further consideration of something	"I move we table this matter"	No	Yes	No	Majority
Limit or extend debate	"I move that debate be limited to..."	No	Yes	No	2/3 vote

*End debate	"I move the previous question..."	No	Yes	No	2/3 vote
Postpone consideration of something to a date certain	"I move we postpone this matter until"	No	Yes	Yes	Majority
Have something studied further	"I move we refer this to..."	No	Yes	Yes	Majority
Amend a motion	"I move to amend this motion"	No	Yes	Yes	Majority
*Kill consideration of an item	"I move that the motion be postponed indefinitely"	No	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Majority
*Object to procedure or to personal affront	"Point of order"	Yes	No	No	No vote Presiding Officer decides
*Request information	"Point of information"	Yes	No	No	No vote
*Ask for a vote count to verify a voice vote	"I call for a division of the house:"	No	No	No	No vote
*Object to considering some matter	"I object to consideration of this"	Yes	No	No	2/3 vote
*Take up a matter previously tabled	"I move to take from the table..."	No	Yes	No	Majority

*Reconsider something already disposed of	"I move we reconsider action on..."	Yes	Yes	Yes	Majority
*Consider something not in scheduled order	"I move we suspend the rules and..."	No	Yes	No	2/3 vote
*Vote on a ruling by the presiding officer	"I appeal the presiding officer's decision"	Yes	Yes	Yes	Majority
* = NOT AMENDABLE					

The following motions arise incidentally and are decided immediately. There is no order of preference.

To Do This	You Say This	May You Interrupt Speaker	Must You Be Seconded	Is The Motion Debatable	What Vote Is Required
Enforce Council Rules	"Point of order"	Yes	No	No	No Vote
Submit the presiding officer's decision to the full Council	"I appeal the decision of the Presiding Officer"	Yes	Yes	Varies	Majority
Suspend the rules	"I move to suspend the rules which..."	No	Yes	No	2/3 vote
Avoid main motion altogether	"I object to consideration of the question"	Yes	No	No	2/3 vote
Divide the motion	"I move to divide the question"	No	Yes	No	Majority

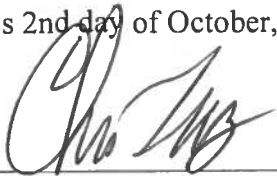
Demand rising vote (roll call vote)	“I move for a division”	Yes	No	No	No vote
Parliamentary law question	“Parliamentary inquiry”	Yes (if urgent)	No	No	No vote
Request for information	“Point of information”	Yes (if urgent)	No	No	No vote

The following motions bring a question again before the Council. They may be introduced only when no other action is pending and are presented in no order of precedence.

To Do This	You Say This	May You Interrupt Speaker	Must You Be Seconded	Is The Motion Debatable	What Vote Is Required
Take the matter from the table	“I move to take from the table”	No	Yes	No	Majority
Cancel or change a previous action	“I move to rescind/amend something previously adopted”	No	Yes	Yes	2/3 or majority if noticed
Reconsider a motion	“I move to reconsider the vote”	No	Yes	varies	majority

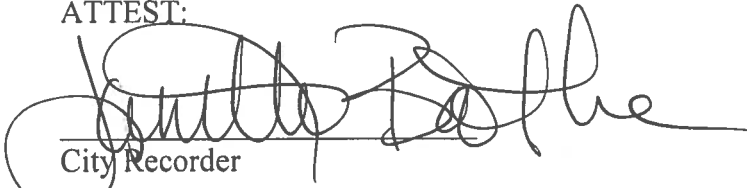
C. A failure by the Council to strictly adhere to Robert’s Rules of Order in its deliberations or vote shall not invalidate a decision made by the Council in a duly noticed public meeting.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 2nd day of October, 2017.



Mayor

ATTEST:



City Recorder