



CITY OF HOOD RIVER COUNCIL PROCEDURES

ADOPTED March 27, 2023, Resolution 2023-03



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INTRODUCTION

These rules are adopted as required by the City Charter, Section 13. These rules are reviewed and updated periodically. This version of the Council Procedures was adopted on March 27, by Resolution No. 2023-03.

ORS 192.001 et seq., Public Records, Reports and Meetings and relevant portions of the City Charter and Municipal Code are incorporated into these rules by reference.

It is noted at the outset that the Public Meetings Law is a public attendance law intended to ensure that decisions of governing bodies, such as the City Council, are arrived at openly. The following procedures are designed to effectuate that intent. All meetings are open to the public, except Executive Sessions. Consistent with the Public Meetings Law, although all meetings are open to the public, the public may not be allowed to participate in all meetings, unless required by law or allowed by the governing body.

DEFINITIONS

As used in these Rules, the following mean:

Council Committees. All Council committees, commissions, task forces, and advisory bodies as specified in the Hood River Municipal Code. These rules do not apply to committees, etc., that have been formed under the authority of the City Manager.

Council and Council Members. The Mayor, Council President, and Councilors.

Council Meetings. All regular Council meetings, special meetings, executive sessions, emergency meetings, work sessions, and joint meetings with other Council committees or commissions.

SECTION 1 AUTHORITY

As authorized by the Hood River City Charter of 1991, the Hood River City Council establishes the following rules for the conduct of its meetings, proceedings, and business. These rules shall be in effect from Council adoption until such time as they are amended, added to, deleted, or replaced in the manner provided by these rules.



SECTION 2 MAYOR AND COUNCIL

- 2.1 Presiding Officer.** The Mayor will preside over Council meetings. In the Mayor's absence, the Council President will preside. Whenever the Mayor is unable to perform the functions of the office, the Council President will act as Mayor. In the absence of both the Mayor and Council President, the Council will designate a senior member of the Council to serve as the Presiding Officer.
- 2.2 Policy Making.** The Council is the policy making body of the City of Hood River. The Council speaks on adopted policy with one voice. Council decisions may not be unanimous, but once voted upon, define the policy position of the Council, even though individual Councilors' opinions may differ.
- 2.3 Filling Vacancies:** Any vacancy occurring on the City Council will be filled for the remainder of the vacant term as follows.
- a. When a vacancy occurs, the City Manager shall publish a Notice of Vacancy inviting applications to be filed by interested, qualified candidates. The notice shall state that any information provided is subject to the Oregon Public Record Laws. Candidates must include in their filing a resume describing their background and a statement of the reason(s) why they desire to be considered for appointment. The City Recorder will verify the qualifications of the candidates.
 - b. The Council will establish a date when all applications from eligible persons must be filed with the City Recorder. The filing of a written application is considered as placing that person in nomination.
 - c. After the date for filing has expired, the Council may direct the City Manager to set a time and date for interviews with all candidates. The Council may elect to reopen the vacancy procedure, at its discretion, prior to selection. If the procedure is reopened, a second notice does not need to be published.
 - d. Prior to the date of the interviews, the City Recorder will report back to the City Manager and Council whether the candidates are eligible to serve.
 - e. If the Council is satisfied that it has concluded the process of reviewing potential nominees and the qualifications of the nominees, the presiding officer shall declare the nominations closed and call for a written nominating ballot.



- f. The Mayor and each Councilor will vote for one person among the nominees on the nominating ballot. Those persons who receive the two largest number of votes are designated as the nominees for the final written electing ballot, provided, however, that any nominee receiving five (5) votes is considered elected to fill the vacancy.
- g. If only one (1) person is placed in nomination, a motion to direct the City Recorder to record a unanimous ballot for that person is in order.
- h. The City Recorder and City Attorney act as tellers on the balloting and declare the results of each ballot. The tellers may declare the vote of each Councilor upon request by the majority of Councilors voting.
- i. A majority vote of the remaining members of the Council for a candidate for a Council vacancy is necessary to constitute a choice on the final electing ballot.
- j. If no nominee for any vacancy receives the necessary number of votes, additional ballots must be taken until one of the nominees receives the required number of votes.
- k. During the vacancy filling process, the Council will fill as many vacant positions as possible according to the procedure described above.

SECTION 3 COUNCIL MEETINGS

- 3.1 Open Meetings.** All public meetings of the Council and its committees will be held in compliance with the Charter or ORS 192.610. All meetings shall be open to the public, except as otherwise provided by ORS 192.610.

Individuals with a disability should request accommodation by notifying the City Recorder at least 48 hours prior the meeting.

Meetings are open to the media, which may be recorded by any electronic means or photographic means at any time, provided that the arrangements do not interfere with the orderly conduct of the meeting. The Council has discretion to determine who or what constitutes the media.

- 3.2 Regular Meetings.** The Council shall hold a regular meeting at least once per month. Regular meetings of the Council shall be held on the second and fourth Monday of each month unless the Council cancels or



reschedules the meeting. If the regular meeting falls on a legal holiday, the meeting shall be convened at the same time and place on the next regular business day. Regular meeting notice requirements will be followed for any changes to regular meetings.

- 3.3 Special Meetings.** Special meetings of the Council may be called by the Mayor or by the President of the Council in the Mayor's absence, or by consent of a majority of Councilors, by giving notice of the meeting to the Council members and the public at least 24 hours in advance. Special meetings will be topic specific and may be held out of town so long as no decision making or discussion toward decisions occurs.
- 3.4 Emergency Meetings.** Emergency meetings of the Council are Special Meetings that can be called with less than 24 hours advance notice to all Councilors as is appropriate to the circumstances. The meeting will be topic specific, and the minutes will state the nature of the emergency justifying less than 24 hours' notice. An attempt must be made to notify interested persons and the media of the need for the emergency meeting.
- 3.5 Executive Sessions.** Executive sessions may be scheduled at any time during a meeting, and usually occur before or after the regular meeting. Under state public meeting laws, the topics that may be discussed in executive session are limited by ORS 192.660.

The Presiding Officer shall determine which persons other than the Council shall attend an executive session.

Media representatives are allowed to attend executive sessions as provided for in ORS 192.660 subject to the understanding that information from the meetings, that is the proper subject of an executive session, will not be reported. The Council has discretion to determine who qualifies as media for purposes of attendance at an executive session.

Media representatives are not allowed to tape or video record executive sessions. Media representatives may be restricted from attending executive sessions involving deliberations with persons designated by Council to carry on labor negotiations.

No final decision shall be made in executive session. To make a final decision, the presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session.



Councilors and staff should not discuss executive session matters outside of executive session. However, this restriction on disclosure does not apply to any formal action that may be taken following executive session.

At the beginning of each executive session, the presiding officer must state on the record the purpose of the executive session and that executive session information is confidential and may not be reported.

- 3.6 Attendance.** Attendance at meetings is expected of all members of the City Council. Absence from all City Council meetings within a 60-day period may result in a declaration by the City Council stating that the position is vacant.

Councilors shall inform the Mayor, Council President, City Manager, or City Recorder if unable to attend any Council meeting in person or electronically. The Mayor will inform the Council President, City Manager and City Recorder if unable to attend any Council meeting.

SECTION 4 AGENDA AND ORDER OF BUSINESS

- 4.1 Agenda Content.** Council Regular Meetings and Work Sessions will generally follow the following order of business. The Presiding Officer may consider agenda items out of order as necessary to facilitate the efficient management of the meeting:

- a. CALL TO ORDER
- b. LAND ACKNOWLEDGEMENT
- c. PLEDGE OF ALLEGIANCE
- d. PRESENTATIONS AND PROCLAMATIONS
- e. AGENDA ADDITIONS OR CORRECTIONS
- f. BUSINESS FROM THE AUDIENCE

This is the time for members of the public to present information or raise an issue.

Public comment does not add to the documented official record for any quasi-judicial land use matter which has been or is scheduled to be heard by a hearings official, or to be included as additional



testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.

Members of the public desiring to address the Council must first be recognized by the Presiding Officer and then state their name for the record. Each person will be given time to present comments, and the Presiding Officer may define a maximum time allotted to Business From the Audience. Groups with like comments will be asked to choose a spokesperson who will present their joint remarks.

The Council may not take action on any item under Business From the Audience, but may ask questions for clarification and, the Presiding Officer may direct staff to report back on the matter at a subsequent meeting.

Written comments may also be submitted to the City Recorder prior to 12 PM before a regular meeting. Written comments will be distributed to Council and added to the record.

g. PUBLIC HEARINGS

The procedures governing the public hearing at issue will be in a written form and provided to the Presiding Officer at the time of the hearing.

Members of the public wishing to speak must first be recognized by the Presiding Officer and then state their name for the record.

Members of Council may ask clarifying or follow up questions of an individual providing testimony after the individual has finished testifying.

Members of Council may, after the testimony of all interested persons, ask clarifying or follow-up questions of staff.

Council shall clearly define the date and time by when public comments must be submitted to be included in the public record for the hearing.

The time allotted for a public hearing may be extended by the Presiding Officer or with consensus of the Council as necessary to



conclude the matter; otherwise, the hearing shall be continued. The procedures for public hearings are contained in the Appendix.

- h. **CONSENT AGENDA** Consent agenda items are business items that are routine or uncontested and may be approved by one motion. Any Councilor may remove any item from the proposed consent agenda for individual consideration.
- i. **REGULAR BUSINESS ITEMS** Items may include consideration of resolutions, contracts, policy statements, and other items requiring discussion and decision.
- j. **DISCUSSION ITEMS** Typically, Discussion Items cover matter of substance but for which a final action will not be taken. However, Council may choose to take a final action if necessary or convenient.
- k. **CITY RECORDER**
- l. **CITY MANAGER COMMENTS**
- m. **REPORT OF COMMITTEES** This is the time for Councilors to report on the business of committees in which they participate on behalf of the City.
- n. **MAYOR COMMENTS**
- o. **COUNCIL COMMENTS** This is the time in which individual Councilors may report on issues or concerns of City-wide interest. The Council may not take action on any item under Council Comments, but the Presiding Officer may direct staff to report back on the matter at a subsequent meeting or place the matter on a future agenda.
- p. **EXECUTIVE SESSION** (optional)
- q. **ADJOURN MEETING**

4.2 Agenda Preparation.

- a. The City Recorder prepares the agenda, specifying the time and place of the meeting, and including any packet materials to be attached to the agenda.



- b. Agendas and packets will be distributed to Council and available to the public for review or purchase not later than the second business day prior to the meeting.
- c. Agenda items should be added to the Council agenda after it is printed and distributed only when required by business necessity.

SECTION 5 COUNCIL DISCUSSION AT PUBLIC MEETINGS

- 5.1 General.** Councilors should ask the Presiding Officer to be recognized, be direct and candid, speak one at a time, ask questions to clarify information, and be conscious of time limits during discussions. Councilors are responsible for facilitating discussions.
- 5.2 Public Hearings.** Council members should not make judgments or decisions about matters presented at a public hearing until all relevant written material has been reviewed, and all staff, public, , and Council comments, opinions and recommendations have been considered.
- 5.3 Discussion and Decision Making.**
 - a. During decision making, there should be full discussion of opinions and differences. After a decision has been made and vote taken, that decision is the official decision of the Council. Council members should not criticize other Councilors or staff for acting on a decision with which the Council member does not agree. Council members may, however, point out how their individual opinion differs from the majority.
 - b. When the Council concurs or agrees to an item that does not require a formal motion, the Presiding Officer will summarize the agreement and conclusion of the discussion.
 - c. Councilors may clarify their views on a particular item prior to taking the formal vote on an item.
- 5.4 Decorum and Order.**
 - a. The Presiding Officer preserves decorum and decides all points of order. Councilors help the Presiding Officer preserve decorum during Council meetings and are required to follow the direction of the Presiding Officer and these Council Rules.



- b. City staff and all other persons attending meetings must observe Council Rules and adhere to the same standards of decorum as members of Council.
- c. Councilors should not use their opportunity to speak to engage in personal attack or impugn the motives of any speaker.
- d. The Presiding Officer, or any Councilor upon motion and majority vote, may remove any person who does not follow these rules and causes repeated disruption for the remainder of the meeting. If a meeting is disrupted, the Presiding Officer may order that the Council Chambers be cleared and a recess called until order is restored.

SECTION 6 COUNCIL MOTIONS AT PUBLIC MEETINGS

6.1 General.

- a. Unless otherwise provided for by these rules and by law in the opinion of the City Attorney, the procedure for Council meetings will be guided by Robert's Rules of Order (latest edition).
- b. Councilors should clearly and concisely state their motions. The Presiding Officer will state the names of the Councilor who made the motion and made the second. The Presiding Officer may make a motion or a second, provided that they first designate the Council President, or in their absence a senior member of Council, as the Presiding Officer during consideration of the matter.
- c. Prior to voting on a motion, the motion should be repeated by the City Recorder or Presiding Officer to ensure that the action being taken and meeting record is clear.
- d. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second.
- e. The Presiding Officer will ask for a voice vote for all final decisions. Roll call votes are required when otherwise requested by a Councilor and for votes on all ordinances.
- f. At the conclusion of any vote, the Presiding Officer will announce the result of the vote. Councilors may change their vote prior to the Presiding Officer announcing the results of the vote.

- 6.2 Passage and Tie.** A motion passes only if it receives four or more votes, regardless of the number of Councilors present.



SECTION 7 COUNCIL RELATIONS AND COMMUNICATIONS

7.1 Council Relations With Staff. The City Council will respect the separation between its role in policy making and the City Manager's responsibility for administration.

- a. Questions of City staff and/or requests for additional information should be directed to the City Manager or a Department Head through the City Manager. However, simple questions readily answerable may be directed to a Department Head or senior staff member. Materials or information supplied in response will be provided to all Councilors.
- b. When questions relate to matters on a meeting agenda, Councilors are encouraged to present their questions to the City Manager prior to the meeting when possible.
- c. Councilors should refer an individual with questions, complaints or suggestions to the City Manager or the appropriate Department Head. Councilors may further explain that if the individual is not satisfied with the results, they may present their issue during the public input portion of the next Council meeting. Councilors should always inform the City Manager upon receipt of a citizen inquiry or complaint for which some type of follow up is necessary.
- d. Mayor and Councilors will not direct staff to take any action or initiate any project or study without the approval of a majority of the Council.
- e. Councilors should never express opinions about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.

7.2 Council Relations With Members of the Public , Other Public Agencies, Community Organizations and Media.

- a. Councilors should be welcoming to members of the public and other non-staff speakers at public meetings. Councilors should ask for clarification where necessary and avoid debate and argument with any member of the public.
- b. In unofficial and non-public meetings or encounters with constituents and other members of the public, Councilors should



never expressly or impliedly promise Council or staff action of any kind or make any admissions of fault or responsibility on behalf of the City.

- c. All outside communications that represent a Councilor's individual interests and opinions in opposition to the Council position must clearly indicate that the communication is not representative of the Council position and is the Councilor's personal position.
- d. If a Councilor represents the City or Council before another governmental agency, a community organization, or the media, the Councilor should first state the Council majority position and then may, thereafter, state the minority position. Personal opinions and comments should be expressed only if the Council member makes clear that the opinions and comments are their own.
- e. A Councilor should obtain appropriate permission before representing another Councilor's view or position in public.
- f. Councilors should use discretion in disseminating staff opinions, correspondence or other staff reports regarding on-going issues prior to the issues being resolved.

SECTION 8 CODE OF ETHICS

- 8.1 Fair and Equal Treatment.** Members of City Council will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the City Council.
- 8.2 Oregon Statutes on Government Standards and Practices.** All Council members are individually responsible for compliance with the Oregon Revised Statutes (ORS 244.010- ORS 244.390) governing the ethical conduct of public employees and officials. Violation of these statutes may result in personal liability.
- 8.3 Conflict of Interest.** All Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes.
- 8.4 Statement of Economic Interest.** It is each member's responsibility to file all required statements of economic interest with the Oregon Government Ethics Commission.
- 8.5 Confidentiality.** Council members must keep in complete confidence confidential information to ensure that the City's position is not



compromised. Confidential information may be disclosed or otherwise released to the public upon a consensus determination by the Council that confidentiality is no longer necessary, or if otherwise instructed by the City Attorney.

SECTION 9 COUNCIL MEETING STAFFING

- 9.1 City Manager.** The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote.
- 9.2 City Attorney.** The City Attorney will attend all Council meetings unless excused, and will upon request, give an opinion, either written or oral, on legal questions. The City Attorney acts as the Council's Parliamentarian. The Parliamentarian advises the Presiding Officer on matters of parliamentary procedure; the Presiding Officer has the authority to rule on questions of order or to answer parliamentary inquiries.
- 9.3 City Recorder.** The City Recorder will attend all Council meetings unless excused and keep the official minutes in compliance with Oregon Public Meeting Laws and perform other such duties as may be needed for the orderly conduct of the meeting.
- 9.4 Other Staff.** The City Manager will determine any other staff members who may need to attend Council meetings.

SECTION 10 COMMITTEES

- 10.1 Appointment and Removal Generally.**
 - a. An individual shall not serve on more than two Council committees simultaneously.
 - b. Upon action of Council, a committee member may be removed from a Council committee prior to expiration of term of office. Removal of Planning Commissioners is subject to HRMC Chapter 2.36.
- 10.2 Filling Planning Commission and Budget Committee Vacancies:** Any vacancy occurring on the Planning Commission or City Budget Committee will be filled as follows.
 - a. The City Recorder shall publish a Notice of Vacancy inviting applications to be filed by interested, qualified candidates. The



notice shall state that any information provided is subject to the Oregon Public Record Laws.

- b. After the closing date for applications, the Council will direct the City Manager to establish an interview committee, consisting of two members of Council and the City Manager or their designee.
- c. The committee will interview applicants. The committee may, at its discretion, consider current committee members without requiring a full interview.
- d. The interview committee will provide a report to Council with the names of individuals recommended for appointment. Council is not required to follow the recommendation of the committee.
- e. Prior to the date of the interviews, staff will determine whether candidates are eligible to serve.

10.3 Filling Vacancies on Other Committees. Except as may otherwise be provided by the Council when establishing other committees, the Mayor may appoint the members of Council to committees with the approval of Council.

10.4 Liaisons/Representatives to Other Agencies.

- a. The Mayor may appoint City liaisons or representatives to all committees and task forces of other agencies and community organizations for which participation of an elected or appointed official from the City is determined to be necessary or beneficial to the City. The Mayor may remove the liaison or representative with the approval of the Council.
- b. Appointments should be made annually and rotated as needed.
- c. Council appointees should make every effort to attend all meetings of the committee or task force, etc., to which they have been appointed. If an appointee fails to attend three or more consecutive meetings, the Mayor may remove the appointee.
- d. The primary role of an appointee is to facilitate communication between the relevant committee and the Council and to represent the City's interests as determined by a majority of the Council.



- e. Appointees are required to report to the Council on significant and important activities of each committee to which they have been assigned.

SECTION 11 SUSPENSION OR AMENDMENT OF COUNCIL RULES

- 11.1 Suspension.** Any provision of these rules not governed by State law, the City Charter or City Code may be temporarily suspended by a majority vote of the Council
- 11.2 Amendment.** These Rules are in effect from adoption until amended or repealed. Amendments, deletions, additions, or repeal to the Council Rules are made by resolution adopted by the Council.



APPENDIX

PROCEDURE FOR PUBLIC HEARINGS

1. **Quasi-Judicial Hearings—Ex Parte Contacts and Disqualification.**
 - a. Ex parte contacts are an issue only in quasi-judicial proceedings. The term “ex parte” is defined as; “on one side only; by or for one party; done for, in behalf of, or on the application of, one party only”. An ex parte contact is more often a conversation or other contact with the applicant or a witness concerning an application or other quasi-judicial matter. It is not a conversation with staff, or conversation between two Council members or Planning Commission members. It is a conversation between a Council member and a Planning Commission member, or discussion of an application at an unnoticed public meeting, a letter received individually, or a conversation with the applicant or a person interested in the proceeding. Site visits and attendance at a Planning Commission public hearing on a quasi-judicial matter are also ex parte contacts.
 - b. The existence of an ex parte contact or bias will not render the decision void so long as the ex parte contact is disclosed on the record as provided below.
 - c. All ex parte contacts must be disclosed on the record at the first hearing following the communication. The disclosure must explain the substance of the communication, not just the existence. The disclosure must also be public, giving interested persons or parties the right to rebut the substance of the communication. The Councilor must also state whether the ex parte contact affects the Councilor’s impartiality or ability to vote on the matter. The Councilor must state whether he or she will participate or abstain.
 - d. Bias of hearing body member may result from ex parte contacts, or conflicts of interest, or something else. The public and other hearing body members always have the opportunity to challenge a hearing body member’s ability to be impartial.
 - e. Although a Councilor may choose to participate, notwithstanding an ex parte contact or bias, the Councilor may be disqualified from the hearing by a majority vote of the Council. The Councilor disqualified



shall not participate in the debate, shall step down from the bench for that portion of the meeting and cannot vote on that motion.

- f. A Councilor who was absent during the presentation of evidence cannot participate in any deliberations or decisions regarding the matter unless the Councilor has reviewed all the evidence and testimony received, and disclosed for the record that they have done so.

2. Conducting Legislative Hearings. The following is the general order of legislative public hearing proceedings:

- a. The Presiding Officer announces the convening of the Public Hearing and announces the nature of the matter to be heard as it is set forth on the agenda.
- b. Discussion of Conflict of Interest of any members of Council.
- c. The Presiding Officer declares the hearing to be open and invites members of the audience to be heard in the following order:
 - 1. Staff Report
 - 2. Correspondence
 - 3. Persons to speak in support of the matter
 - 4. Persons to speak in opposition of matter
 - 5. Persons to speak neither for nor against the matter
 - 6. Staff Rebuttal
- d. The Presiding Officer closes the public hearing.
- e. The Presiding Officer calls for deliberations to start.
- f. Council deliberations and vote.

3. Conducting Quasi-Judicial Land Use Hearings. The following is the general order of quasi-judicial public hearing proceedings:

- a. Conduct of Quasi-Judicial Hearings for land use hearings must conform to the requirements in Oregon Revised Statutes (ORS Ch. 197 and 227).



- b. The Presiding Officer announces prior to opening the hearing the nature of the matter to be heard as set forth on the agenda and the procedure to be followed for the hearing.
- c. The Presiding Officer gives notice that failure to address criteria or raise any other issue with sufficient specificity precludes an appeal on that criteria or issue.
- d. Discussion of jurisdiction and impartiality of the Council.
- e. The Presiding Officer then declares the hearing to be open and invites members of the audience to be heard in the following order:
 1. Staff Report/Introduction of the Appeal
 2. Correspondence
 3. Applicant or Appellant's Presentation
 4. Other Testimony in support of the application or appeal
 5. Testimony in opposition of matter
 6. Testimony neither for nor against the matter
 7. Applicant or Appellant's rebuttal and recommendation
 8. Staff's rebuttal and recommendation
 9. Questions from Council to staff
- f. The Presiding Officer closes the hearing and takes no further testimony from the audience.
- g. Council deliberates and votes.
- h. The Council has the discretion to adopt the findings or direct the staff or prevailing party to submit proposed findings for Council consideration and adoption at a future meeting.
- i. Presiding Officer closes the hearing. Under certain circumstances, the record may be left open. Consult with staff.