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**City Council Work Session Minutes
Council Rules Review**

**Monday, November 23, 2020
5:50 p.m., Webex Community Auditorium**

***Minutes are unofficial until approved by Council.
Council approved minutes as presented January 11, 2021.***

1. ROLL CALL:

Mayor Peter Truax called the work session to order at 5:59 p.m. via Webex Video Conference.

COVID-19: Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the **City Council conducted the Work Session remotely by video conferencing.**

ROLL CALL: COUNCIL PRESENT ATTENDED BY WEBEX REMOTELY: Donna Gustafson; Kristy Kottkey; Timothy Rippe; Elena Uhing; Mariana Valenzuela; Malynda Wenzl, Council President; and Mayor Peter Truax.

STAFF PRESENT ATTENDED BY WEBEX REMOTELY: Jesse VanderZanden, City Manager; Ashley Driscoll, City Attorney; Paul Downey, Administrative Services Director; Anna Ruggles, City Recorder; and Bev Maughan (in the Community Auditorium).

2. WORK SESSION: COUNCIL RULES

VanderZanden reported the purpose of the work session was a follow-up to the Council mini-retreat held on September 11, 2020, noting the retreat focused on the roles and responsibilities of the Mayor, Council President, and Councilors; how these are embodied in the City Charter, Council Rules, Team Agreement, Goals and Objectives, and City Council Orientation; and how these documents are interrelated, amended, and approved. VanderZanden advised Council held the first of four initial work sessions on October 12, 2020. The Council adopted Resolution 2020-104 on November 9, 2020, which inserted into the Council Rules an Introduction Statement, modeled after the 2017 League of Oregon Cities (LOC) "Model Rules of Council Procedures", and amended Section 3. 1. to adjourn the regular meeting at 9:30 p.m. In conclusion of the above-noted staff report, VanderZanden advised staff is recommending Council take a systemic and incremental approach to discussing each proposed rule revisions, starting with Discussion Item 1, Section 5, Decorum, Order, and Ethics and Outside Statements.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued as Council reviewed and discussed each of the following proposed revisions under Discussion Item 1, Section 5, Decorum, Order, and Ethics and Outside Statements, as outlined below. VanderZanden explained additional rule revisions listed in the staff report will be addressed after Council

has progressed through the process. The following template was provided:

- Regular text indicates existing Council Rule language.
- **Bold** text indicates proposed new Council Rule language.
- ~~Strikethrough~~ indicates proposed deleted existing Council Rule language.
- **Red** text indicates provisions from the Team Agreement.
- **Blue** text indicates past practice guidelines from the City Council Orientation.

NOVEMBER 23 WORK SESSION

Discussion Item #1: Decorum, Order, Ethics, and Outside Statements

The Council Rules are largely silent on communications outside of Council meetings; however, there are two sections in the LOC Model that address this area. In addition, there was broad consensus to include a censure provision in the Council Rules. The provisions below in bold are verbatim from the LOC Model, less formatting and Scribner corrections. These sections are included to foster discussion and provide a baseline for Council to work from. Please note the section in blue was in the City Council Orientation but not in the Council Rules. In an effort to collocate similar sections, it has been included here. Lastly, also note that “councilmembers” is synonymous with Council and therefore includes all seven members.

SECTION 5 – DECORUM, ORDER, ETHICS AND OUTSIDE STATEMENTS

- 5. 1 Presiding Officer – The Presiding Officer shall enforce the Council Rules. In addition, the Presiding Officer has the authority to preserve decorum and shall determine all points of order, subject to the right of any councilmember to appeal to the Council. The Presiding Officer shall enforce order, prevent attacks on personalities or impugning members’ motives, and keep those in debate to the question under discussion. **The Presiding Officer shall use formal procedure when necessary for effective discussion and to focus the meeting.**
- 5. 2 Councilmembers – Councilmembers shall preserve order and decorum during Council meetings, and shall not by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer, **and Council Rules, and Council Team Agreement.** Councilmembers shall when addressing staff, **councilmembers**, or members of the public, confine themselves to questions or issues that are under discussion.

Councilmembers shall: not engage in personal attacks; ~~shall~~, not impugn the motives of any speaker; **be courteous, not interrupt, speak in turn, not engage in side conversations, not communicate on their personal electronic devices during the meeting,** and ~~shall~~ at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of office. Councilmembers shall not attack the knowledge, skills, abilities, and personalities or impugn

councilmembers, City staff members', or members' of the public motives in Council or any City meetings. In Council meetings, councilmembers may discuss or suggest anything with the City Manager related to City business (~~pursuant to City Charter, Section 33.1.~~).

Councilmembers shall be on time to meetings, read the packet prior to the meeting, and call the City Manager or designee with questions and requests prior to the meeting. Councilmembers shall use procedure appropriately and courteously. Councilmembers may request on their own accord one-on-one meetings with the Mayor.

- **5.5 Ethics - All councilmembers shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all councilmembers shall refrain from:**
 - **A. Disclosing confidential information.**
 - **B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.**
 - **C. Expressing an opinion contrary to the official position of the council without so saying.**
 - **D. Conducting themselves in a manner so as to bring discredit upon the government of the city.**
- **5.6 Statements to the Media and Other Organizations**
 - **A. Representing City.** If a member of the council, to include the mayor, 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.
 - **B. Personal Opinions.** If a member of the council, to include the mayor, 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.
 - **C. Councilmembers may use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the Council. All other individual letters require Council approval.**
- **5.7 Censure and Removal**
 - **A. The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a councilmember violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member with a public reprimand.**

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

Council discussed text messaging, serial communications, letters of support/endorsements and decision-making guidelines. At the conclusion of the above review, Council collectively concurred to incorporate the proposed revisions outlined above in Section 5.1 and 5.2. The Council also discussed the remaining provisions of Section 5 and requested staff work with the City Attorney and conduct additional research and provide clarification under Section 5.5 (provide ORS and guidelines); 5.6 (clarify types of individual letters); and 5.7 (provide ORS and/or decision-making guidelines). In conclusion of the above-noted review and Council discussion, VanderZanden advised staff will conduct additional research and address the findings at a subsequent work session. Due to the time, two more work sessions are tentatively scheduled for January and February. The sections that Council reached consensus on will be embodied in a resolution and placed on a regular Council meeting agenda for Council consideration at a later date.

Council took no formal action nor made any formal decisions during the work session.

3. ADJOURNMENT:

Mayor Truax adjourned the work session at 6:59 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder