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**City Council Work Session Minutes
Council Rules**

**Monday, February 22, 2021
6:00 p.m., Zoom Community Auditorium**

***Minutes are unofficial until approved by Council.
Council approved minutes as presented March 15, 2021.***

1. ROLL CALL:

Mayor Peter Truax called the work session to order at 6:00 p.m. via Zoom Webinar Video Conference.

COVID-19: Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the Work Session was conducted in a “hybrid” format allowing the public to attend virtually via **Zoom Webinar** and in-person in the Community Auditorium. Members of the public could observe the work session **LIVE** on **Zoom Webinar** or on television on Tualatin Valley Community Television (TVCTV) Government Access Programming Channel 30.

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

STAFF PRESENT ATTENDED BY ZOOM WEBINAR: Jesse VanderZanden, City Manager; Paul Downey, Administrative Services Director; and Anna Ruggles, City Recorder (in the Community Auditorium).

ZOOM ATTENDEES: 2

2. WORK SESSION: COUNCIL RULES

VanderZanden reported the purpose of the work session was to continue the review effort of the provisions of the Council Rules, noting the Council reached consensus at the Council mini-retreat held on September 11, 2020, to incorporate the Team Agreement and City Council Orientation into the Council rules where appropriate. The Council also reached consensus to use the 2017 League of Oregon Cities (LOC) “Model Rules of Council Procedure” (Model) as a basis for Council Rule revisions. The Council has held the following work sessions and focused on the following provisions as outlined below:

- **October 12, 2020:** Council reached consensus to incorporate the proposed amendments shown in the staff report to include an Introduction Statement and amendment to Section 3.1 adjournment by 9:30 p.m.
- **November 9, 2020:** Council adopted Resolution 2020-104 incorporating the above-mentioned amendments.
- **November 23, 2020:** Council reviewed Discussion Item 1, Section 5 – Decorum,

Order, Ethics, and Statements to the Media and Other Organizations, which included proposed amendments to Sections 5.1 Presiding Officer; 5.2 Councilmembers; and newly-proposed Sections 5.5 Ethics; 5.6 Statements to the Media and Other Organizations; 5.7 Censure, which currently there are no censure provisions in the Council Rules. The language was taken from the LOC Model Rules and reviewed by the City Attorney. At the November 23 work session, Council reached consensus to incorporate the proposed amendments to 5.1 and 5.2 and requested staff conduct additional research and clarification on the remaining sections mentioned above. In addition Council discussed the definition of serial communications and requested staff return with draft rule language.

- **January 11, 2021:** Council reached consensus to incorporate the proposed amendments shown in the staff report to include Discussion Item 1, Section 5, Decorum, Order, Ethics, and Statements to the Media and Other Organizations: Amending Sections 5.1 Presiding Officer and 5.2 Councilmembers and adding proposed Sections 5.5 Ethics and 5.6 Statements to the Media and Other Organizations.
- **January 25, 2021:** Council reached consensus to incorporate the proposed amendments shown in the staff report to include Discussion Item 1, add new Section 5.7 Censure; Discussion Item 2, amend Section 3.8, Meetings Open to the Public, to add Serial Communications; and Discussion Item 3, move in its entirety Section 7.2, Persons Sharing Common Concerns, to 6.4.2(F), and Section 7.4, Complaints and Suggestions to the Council, to 6.4.2 (G); and rename Section 6.4.2, Citizen Communications, to Public Comment.
- **February 8, 2021:** Council adopted Resolution 2020-11 incorporating the above-mentioned amendments.

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, and continuing with the remaining provisions as outlined in the staff report.

Council Discussion:

Mayor Truax opened the floor and roundtable discussion ensued as Council reviewed and discussed each of the following proposed revisions as outlined below. VanderZanden explained additional rule revisions listed in the staff report will be addressed after Council has progressed through the process. To enable the review of the proposed changes, the following template was provided:

- Regular text indicates existing Council Rule language.
- **Bold** text indicates proposed new Council Rule language based on the LOC Model.
- ~~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.
- **Purple** text indicates new text proposed by staff.

DISCUSSION ITEM #1:

The LOC Model Rules use the term “Public Comment” in lieu of “Citizen Communications”. In addition, the LOC Model Rules allow public comment on items on the agenda but not scheduled for a Public Hearing, which Council had previously discussed and concurred allowing the public to comment on items on the agenda.

6.4.2 CITIZEN COMMUNICATIONS PUBLIC COMMENT

- (A) Time provided for anyone wishing to speak to the City Council on an item not on the agenda **or on the agenda but not scheduled for a public hearing** may be heard at this time. *Written comments to City Council received by 3 p.m. the day of the meeting will be included in the official record of that meeting. Written comments received after that time will be included in the official record of the following meeting.*
- (B) **Persons wishing to speak during public comment must sign the public comment sign-in sheet and list the topic upon which the person wishes to comment.** The City Recorder shall post in the foyer before the start of a meeting a ~~Citizen Communications~~ **Public Comment** form (sign-in sheet).
- (C) Comments will be limited to two (2) minutes, unless additional time is granted by the Presiding Officer.
- (D) **Generally, the Presiding Officer will call speakers in the order in which they signed the sign-in sheet. Speakers shall identify themselves by their names and by their place of residence.**
- ~~(E) **Speakers may play electronic audio or visual material during the time permitted for their comment. They must provide the materials in a readable format to city staff prior to the meeting to avoid delay or disruption of the meeting. The time used to play the audio or video counts toward the allotted two (2) minutes.**~~

Council concurred to DELETE subsection (E) in its entirety at this time. In response to Council concerns, VanderZanden advised staff will research if other cities allow electronic audio and visual materials during the public comment period and report back to Council at a later date. The remaining subsections were renumbered accordingly

(F ~~E~~) Councilmembers may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit their questioning to no more than two (2) minutes per speaker.

(G ~~E~~) Public comment shall not exceed thirty (30) minutes, unless a majority of councilmembers present vote to extend the time.

Council concurred to amend subsection (G) to clarify 30 minutes was total allotted time on the agenda for Public Comment and not per person/speaker, to which VanderZanden concurred to amend the above-noted subsection.

(H G) If a member of the public wishes to speak on an item that is scheduled for a public hearing at the same meeting, the speaker shall wait until that public hearing. The procedures outlined for that public hearing will apply.

Council concurred to delete Section 7.1 and 7.3 below in their entirety as these sections were combined under Section 6 above. With the deletion of Section 7.1 and 7.3, Section 7 will remain as an unassigned section in the Council Rules for potential future rule changes and to avoid renumbering all sections.

~~7.1 Public Comment Generally—Any member of the general public wishing to address the Council on an issue not on the agenda may do so at the time set aside for Citizen Communications during each regular session of the Council. Any member so addressing the Council shall be limited to a period of two (2) minutes, unless additional time is granted by the Presiding Officer.~~

~~7.3 Roster—All persons or groups wishing to address the Council during the time set aside for Citizen Communications shall, prior to the convening of the meeting, sign in on the Citizen Communications Form posted in the foyer, indicating the name of the person, address of the person, and subject matter on which the person or groups wishes to address the Council. Those who have not signed in may address the Council at the discretion of the Presiding Officer.~~

In an effort to clarify expectations and above-mentioned public comment changes to Section 6, Council concurred amending Section 6.4.5 to read as follows:

6.4.5 PRESENTATIONS – This is a time set aside for citizen and Time provided for community groups, boards, commissions, elected officials, and staff presentations to the Council. Each speaker and staff presentation presenter will be is limited to five (5) ten (10) minutes to present, followed by five (5) minutes for questions and answers, unless additional time is granted by the Presiding Officer. Presenters must submit their materials to the City Recorder at least one week prior to the regularly scheduled meeting.

Council concurred deleting the following language and renumbering the remaining sections accordingly:

~~**6.4.7 STAFF PRESENTATIONS—Time provided for staff members to present items requiring no formal action, Council direction, or Council consensus.**~~

Council concurred amending Section 6.4.9 as follows:

6.4.9 COUNCIL COMMUNICATIONS – Time provided for Councilmembers to present a brief summary of matters of interest to the Mayor and other Councilmembers Council and to present Boards and Commission liaison reports.

DISCUSSION ITEM #2:

The Council Rules are largely silent on interactions with the City staff and the City Attorney. This issue was discussed at length during the September mini-retreat. The section below is verbatim from the LOC Model and intended to give Council a framework for these interactions.

Council concurred adding new Section 18 to read as follows:

SECTION 18: INTERACTIONS WITH STAFF AND CITY ATTORNEY

18.1 Staff - All members of the Council shall respect the separation between the Council's role and the City Manager's responsibility by:

- A. Not interfering with the day-to-day administration of City business, which is the responsibility of the city manager.**
- B. Refraining from actions that would undermine the authority of the City Manager or a Department Head.**
- C. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.**
 - 1. Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.**
 - 2. Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.**

18.2 City Attorney – Councilmembers may make requests to the City Attorney for advice no more than once a month, so long as the request does not require more than two hours of the attorney's time. A councilor may make additional requests within a month or make a request that exceeds two hours

with the concurrence of the majority of the Council.

At the conclusion of the above review, Council collectively concurred to incorporate the proposed provisions as outlined above. In conclusion of the above-noted review and Council discussion, VanderZanden advised the above-noted 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. Due to the time, a follow-up work session will be scheduled at a later date to review proposed amendments.

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

3. ADJOURNMENT:

Mayor Truax adjourned the work session at 6:44 p.m.

Respectfully submitted,



Anna D. Ruggles, CMC, City Recorder