

RESOLUTION NO. 2021-18

RESOLUTION AMENDING COUNCIL RULES SUBSECTIONS 6.4.2, PUBLIC COMMENT; 6.4.5, PRESENTATIONS; AND 6.4.9, COUNCIL COMMUNICATIONS; DELETING SUBSECTIONS 6.4.7, 7.1 AND 7.3 IN THEIR ENTIRETY; AND ADDING SECTION 18 PERTAINING TO INTERACTIONS WITH STAFF AND CITY ATTORNEY

WHEREAS, on September 11, 2020, the Council held a mini-retreat work session to discuss changes to the Council Rules regarding roles and responsibilities of elected officials, council communications, statements to the media, use letterhead, ethics, decorum and censure, interactions with city staff and city attorney, serial communications, and public meetings law; and

WHEREAS, the Council reached consensus the Team Agreement and City Council Orientation should be incorporated into the Council Rules and once complete, cease to be documents; and

WHEREAS, the Council reached consensus the League of Oregon Cities (LOC) "Model Rules of Council Procedure" (Model) serve as a basis for Council Rule revisions; and

WHEREAS, the Council reached consensus during a work session on February 22, 2021, to amend sections 6.4.2, 6.4.5, and 6.4.9 pertaining to public comment, presentations, and council communications; add section 18 pertaining to interactions with staff and city attorney; and delete redundant sections 7.1, 7.3, and 6.4.7.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. The City Council amends the City Council Rules of Procedure as follows:

Amend Subsection 6.4.2 to read:

6.4. 2. 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 Public Comment 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) 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.
- (F) The public comment period shall not exceed thirty (30) minutes, unless a majority of councilmembers present vote to extend the time.
- (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 the public hearing will apply.

Subsequently, renumbering remaining subsections accordingly.

Amend Subsection 6.4.5 to read:

6.4. 5. PRESENTATIONS –Time provided for community groups, boards, commissions, elected officials, and staff presentations to the Council. Each presenter is limited to 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.

Delete Subsection 6.4.7 in its entirety.

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

Amend Subsection 6.4.9 to read:

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

Subsequently, renumbering subsections accordingly.

Delete Subsections 7.1 and 7.3 in their entirety.

~~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.~~

Subsequently, Section 7 will remain as an unassigned section in the Council Rules for potential future rule changes and to avoid renumbering existing sections.

Add new Section 18 to read:

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,

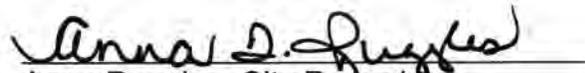
nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

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.

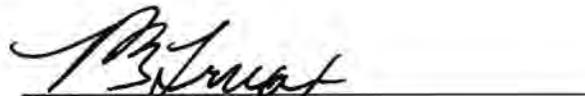
Subsequently, existing Section 18 will be assigned as Section 19 in the Council Rules.

Section 2. This resolution is effective immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 15th day of March, 2021.


Anna Ruggles, City Recorder

APPROVED by the Mayor this 15th day of March, 2021.


Peter B. Truax, Mayor



A place where families and businesses thrive.

<u>CITY RECORDER USE ONLY:</u>	
AGENDA ITEM #:	<u>6.</u>
MEETING DATE:	<u>03/15/2021</u>
FINAL ACTION:	<u>RESO 2021-18</u>

CITY COUNCIL STAFF MEMORANDUM

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Anna Ruggles, City Recorder
Jesse VanderZanden, City Manager*

MEETING DATE: *March 15, 2021*

SUBJECT TITLE: *Council Rules Resolution*

ACTION REQUESTED:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ordinance	Order	X	Resolution	Motion	Informational

X all that apply

BACKGROUND:

The City Council held a mini-retreat on September 11, 2020, to discuss Council Rule changes regarding the roles and responsibilities of elected officials, council communications, statements to the media, use of title and letterhead, ethics, decorum, censure, interactions with city staff and city attorney, serial communications, and public meetings law.

The Council reached consensus on September 11 to incorporate the Team Agreement and City Council Orientation into the Council rules where appropriate. They 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 held a work session on October 12 and reached consensus to incorporate an introduction and a meeting end time into the Council Rules. These items were amended into the Council Rules by resolution on November 9.

The Council held work sessions on November 23, 2020, and January 11, 2021 and reached consensus to incorporate proposed Council Rule Sections 5.1, 5.2, 5.5, and 5.6; pertaining to decorum and order, ethics, and statements to the media and other organizations. These items were amended into the Council Rules by resolution on January 25, 2021.

The Council held a work session on January 25 and reached consensus to include rule provisions for censure and serial communications, specifically Section 5.7 and Section 3.8. The Council also reached consensus to move Sections 7.2 and 7.4 in their entirety to Section 6.4.2. The only change to these sections was renaming "Citizen Communications" to "Public Comment." These items were amended into the Council Rules by resolution on February 8, 2021.

The Council held a work session on February 22, 2021, and reached consensus to amend Sections 6.4.2, 6.4.5, and 6.4.9 pertaining to public comment, presentations, and Council communications; add Section 18, pertaining to interactions with staff and city attorney; and remove Section E of 6.4.2, pertaining to the allowance of electronic audio and visual material during public comment. Staff is researching what other cities allow and will bring that information back to Council at a later date. Council also reached consensus to change subsection G of Section 6.4.2 to clarify 30 minutes pertained to the public comment period, not individual speakers. All these changes are reflected in the proposed rule language below.

PROPOSED RULE CHANGES:

To enable a review of the proposed changes, the following template is 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.

All proposed rule changes will be presented in two formats. The first format is with mark-ups which show all of the proposed changes. The second format is without mark-ups which is how the rule would read if passed and incorporated into the Council Rules.

PROPOSED CHANGES WITH MARK-UP:

Councilmembers have asked if the public could comment on items on the agenda but not scheduled for a public hearing. Currently the agenda only allows for public comment for items not on the agenda. The LOC Model addresses this issue by allowing public comment on items on the agenda but not scheduled for a public hearing. Additionally, because Section 6 and Section 7 of the Council Rules are redundant, staff recommends these sections be combined for ease of reference. This was partially accomplished when Council passed a resolution on February 8, 2021, to move Sections 7.2 and 7.4 to Section 6.4.2.

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.~~

(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 F) The public comment **period** shall not exceed thirty (30) minutes, unless a majority of councilmembers present vote to extend the time.

(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.

If the above changes are made, to avoid redundancy in the Council Rules, staff recommends Council delete the following language from Section 7.

~~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 keeping with past practice and in an effort to clarify expectations for councilmembers, staff, and presenters, and, in tandem with the above change to allow public comment on items on the agenda but not scheduled for a public hearing during public comment, staff recommends Council consider amending Section 6.4.5 to read:

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.

If the above changes are made, to avoid redundancy in the Council Rules, staff recommends Council delete the following language and renumber 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.~~

Lastly, there has been discussion about the purpose of Council Communications. The City's Council Rules are unique in that this is a separate section on the agenda. The LOC Model Rules have elected officials report during the same time as boards and commissions reports and limit those reports to only when necessary. In keeping with past practice and the current agenda, staff recommends Council consider the following change:

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.**

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 and during the February 22 work session. The section below is verbatim from the LOC Model.

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's 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 – Council members 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.

PROPOSED CHANGES WITHOUT MARK-UP:

6.4.2 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.
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- (F) The public comment period shall not exceed thirty (30) minutes, unless a majority of councilmembers present vote to extend the time.
- (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.

6.4.5 PRESENTATIONS –Time provided for community groups, boards, commissions, elected officials, and staff presentations to the Council. Each presenter is limited to 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.

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

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's 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.
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18.2 City Attorney – Council members 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.

STAFF RECOMMENDATION:

Staff recommends the Council consider the attached resolution. If approved, the changes will be incorporated into the Council Rules, distributed to Council, and posted on the website. If a councilmember has any questions beforehand they are encouraged to contact city staff.

ATTACHMENTS:

- Resolution amending Sections 6.4.2, 6.4.5, and 6.4.9 pertaining to public comment, presentations, and Council Communications; adding Section 18 pertaining to interactions with staff and City Attorney; and deleting redundant Sections 7.1, 7.3, and 6.4.7.