

## MEMORANDUM

TO: Mayor and City Council

FROM: David Clyne, City Manager Pro Tem

SUBJECT: PROPOSED 2023 UPDATED COUNCIL RULES

DATE: November 8, 2023

### Background

Included with your packets is a draft 2023 Updated Council Rules for your consideration. The base version is that which was most recently before you in early 2022 and the markups are current staff's, primarily my own.

My discussion, below, highlights some of the proposed changes from the most recent draft and explains those sections that have drawn the most Councilor concern, per my understanding. This draft is meant as a starting place for discussion, not a completed document for adoption, unless you choose otherwise.

### Discussion

Section 2.1 of the proposed rules addresses operations of Regular Meetings. In addition to formalizing meeting location, dates and times, staff added a limit of two hours on meetings to facilitate efficient and effective decision-making. Of course, Council always has the right to waive this or any other provision of the rules.

Section 4 makes it a bit simpler to cancel meetings, as needed.

Removal of Section 7.5 is in keeping with my understanding of current practice and is as generally accepted elsewhere.

Section 8 formalizes the administrative change that staff recently implemented, preparing minutes per statute and not verbatim style as was past practice. This will allow the City Recorder to stay current with minutes at the same time better managing the rest of their workload.

Section 11 allows additional public comment at the Council's discretion during the 30-minute window for those that may not have signed up in advance. Additionally, here and elsewhere in the Rules, we reduced the prior five-minute comment period to three minutes, where legally permissible. Three minutes is the typical limit in cities and provides plenty of time for folks to share their concerns/thoughts/support.

Section 17 further explains the impact of a decision not to vote. The default in these rules is the current practice as we understand it.

Section 19 was removed; a Council appointed Sergeant at Arms position appears contrary to the limited Council appointed officials identified in the Charter. Instead, a Sergeant at Arms position would be under the City Manager's authority, who may or may not view a Council meeting as the most beneficial placement of limited law enforcement personnel. Removal of necessary members of the public for wrongful behavior is further refined in in subsequent sections of these proposed rules.

Subsections 24.3 through 24.7 address an area of Councilor public comportment that has been the source of much debate, in my understanding. In many ways, these provisions go to the heart of the difference between the roles of a City Council as a whole, versus the role of an individual City Councilor acting apart from the City Council. All authority provided by Oregon law and the City charter is vested in the City Council; virtually none lies in an individual City Councilor.

As such, the Council provides the overall City policy direction through action approved by a majority vote. Individuals are only meant to speak on behalf of Council when they can do so by accurately representing the Council's decisions. Councilors are discouraged, but not prohibited (which could violate a member's First Amendment rights) from voicing their own separate opinions that differ from the Council's position as adopted.

Rather, this rule embodies what is considered best practice for highly effective Councils. Every Councilor should be encouraged and is expected to vigorously promote their position in the course of developing a Council position, particularly where they might disagree with the likely majority. But once the Council adopts a position for the City, highly effective Councils try to speak as one when communicating that position/result.

Nothing about that formulation should deprive a Councilor that feels strongly about a matter from voicing their separate beliefs. However, that same Councilor should at a minimum identify the official position notwithstanding their objections.

The proposed rules also include other, less significant comments or changes, which I will be available to discuss.

#### Recommendations

The City Council is not being asked to approve the provided draft rules. Rather, staff is bringing this back to the Council for further debate and direction, before ultimate adoption. The Council could also schedule a work session for the whole Council or appoint a subcommittee to work through potential rule changes.

#### Cost

There is no cost associated with adopting either set of updated Council Rules.



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David Clyne, Interim City Manager