

# Council Business Meeting

July 5, 2022

<b>Agenda Item</b>	First Reading of Ordinance No. 3210 regarding notice of meetings and amending Ashland Municipal Code 2.04.020.F.	
<b>From</b>	Joseph L. Lessard Katrina L. Brown Melissa Huhtula	City Manager City Attorney City Recorder
<b>Contact</b>	<a href="mailto:joseph.lessard@ashland.or.us">joseph.lessard@ashland.or.us</a> <a href="mailto:katrina.brown@ashland.or.us">katrina.brown@ashland.or.us</a> <a href="mailto:melissa.huhtula@ashland.or.us">melissa.huhtula@ashland.or.us</a>	

## **SUMMARY**

This is the time set for First Reading of proposed Ordinance No. 3210 regarding notice of Council meetings and amending Ashland Municipal Code (AMC) 2.04.020.F. Proposed Ordinance No. 3210 would omit the requirement that notice of meetings be sent to a newspaper “with general local circulation” and instead require that notice be posted at City Hall and at Council Chambers, in addition to the being posted prominently on the City’s website.

## **POLICIES, PLANS & GOALS SUPPORTED**

N/A

## **PREVIOUS COUNCIL ACTION**

None

## **BACKGROUND AND ADDITIONAL INFORMATION**

In August of 2021, the City of Ashland’s only print newspaper, *The Ashland Daily Tidings*, ceased publication. The only other print newspaper in general local circulation in the City of Ashland is experiencing staffing shortages and is continually extending the time required to get a public notice published. Proposed Ordinance No. 3210 would omit the requirement that notice of meetings be posted in a traditional newspaper with general local circulation. It would instead require that notice be posted prominently at both City Hall and City Council Chambers in addition to being posted on the City’s website. Oregon’s Public Meetings Laws (ORS 192.610 to 192.690) do not require that notice of meetings be published in a print newspaper with local circulation. They require that notice be “reasonably calculated to give actual notice to interested persons.” (See ORS 192.640). Notice will continue to be posted prominently on the City’s website as well as at City Hall and at City Council Chambers. In addition, notice will be posted at the online community news source *Ashland.news*.

## **FISCAL IMPACTS**

The proposed change to the noticing requirement would save the City approximately \$700 per year.

## **STAFF RECOMMENDATION**

Staff recommends that the City Council approve First Reading of Ordinance No. 3210 and advance it to Second Reading for enactment.

## **ACTIONS, OPTIONS & POTENTIAL MOTIONS**

1. I move to approve First Reading of Ordinance No. 3210 and advance it to Second Reading for enactment.
2. I move to amend Ordinance No. 3210 as follows . . .

**REFERENCES & ATTACHMENTS**

Proposed Ordinance No. 3210

1 **ORDINANCE NO. 3210**

2 **AN ORDINANCE REGARDING THE NOTICE OF MEETINGS; AMENDING**  
3 **ASHLAND MUNICIPAL CODE 2.04.020**

4 

5 Annotated to show deletions and additions to the Ashland Municipal Code sections being 6 modified. Deletions are <del>bold-lined through</del> , and additions are <b><u>bold underlined</u></b> .
---

7 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

8 **SECTION 1.** Ashland Municipal Code Chapter 2.04.020 is hereby amended as follows:

9 **2.04.020**

10 A. Regular Meetings. The regular sessions of the Council are on the first and third Tuesday of  
11 each month unless otherwise arranged, beginning at 6:00 p.m. Meetings are required to end no  
12 later than 9:30 p.m., except in the following circumstance:

- 13 1. If a motion or any amendment to a motion has been made and has been seconded if a  
14 second is required, deliberation on the motion shall be allowed to continue until no later than  
15 9:40 p.m., at which time deliberation shall end; and any amendments to the motion and the  
16 motion itself shall be voted upon immediately and without further deliberation or debate and  
17 without passage of a motion to end debate.

18 B. Special Meetings. A special meeting may be called either by the Mayor or two members of  
19 the Council. Notice of the time and place of such special meeting and the subjects to be acted  
20 upon shall be delivered to all members of the Council at least seventy-two (72) hours in advance  
21 of the time of the meeting, except in the case of an emergency, and the Council may consider and  
22 act only upon such matters as contained in the notice.

23 C. Study Sessions.

- 24 1. Study sessions are for Council members to receive background information and  
25 recommendations from staff or invitees with expertise on City business; to ask questions,  
26 discuss options, express their individual views on matters that may be voted on in subsequent  
27 regular or special meetings; and to provide guidance to staff. The Council may vote in study  
28 sessions on guidance to staff concerning matters to be presented to Council for decision at  
29 subsequent meetings. By consensus, the Council also may direct staff to take action on other

30 ///

1 matters that do not require Council decision by ordinance or resolution. No particular cases  
2 involving quasi-judicial decisions may be discussed at study sessions.

3 2. Each study session shall include up to a total of fifteen (15) minutes for public forum, in  
4 which persons may speak about any topic on the agenda for that study session. Persons  
5 wishing to speak during public forum are to submit a “speaker request form” to the City  
6 Recorder.

7 3. Study sessions shall begin at 5:30 p.m. on the day before each regular meeting unless  
8 otherwise arranged, but shall not be held on national holidays. The Mayor or two (2)  
9 Councilors may call a study session at any time with not less than seventy-two (72) hours’  
10 advance notice.

11 D. Executive Sessions.

12 1. All meetings of the City Council shall be held in open sessions, except meetings that may  
13 be closed for those purposes specified in the Oregon Public Meetings Law (ORS 192.610  
14 through 192.690). These purposes include, but are not limited to, the employment and  
15 dismissal of public employees, the performance evaluation of the City Manager and City  
16 Attorney, labor negotiations, real property transaction negotiations, and consulting with legal  
17 counsel on pending or threatened litigation. At any time during an executive session, a  
18 Councilor who feels a matter under consideration should be addressed exclusively in open  
19 session may state a point of order, which shall be ruled upon in the executive session as set  
20 forth in AMC 2.04.040.C.4.b(1).

21 2. Notice of executive sessions shall be given as required by State law and such notice must  
22 state the specific provision of law authorizing the session. The Mayor and City Councilors  
23 will act in accordance with State law regarding confidentiality of information discussed in  
24 executive sessions.

25 3. At the commencement of each executive session, the presiding officer must state on the  
26 record that executive session information is confidential and may not be reported. The  
27 proceedings may be reported if no such statement is made.

28 E. Emergency Meetings. The City Manager is responsible for implementation of the Emergency  
29 Management Plan. When the City Manager determines that a state of emergency exists, the City

30 ///

1 Manager will make a declaration to that effect and will request that the Mayor call an emergency  
2 meeting of the Council in order to ratify the declaration of emergency. The emergency meeting  
3 of the Council will occur as soon as possible after the declaration of emergency. A quorum of the  
4 Council may not be possible due to emergency circumstances and is not required for this  
5 emergency meeting. Notwithstanding the advance notice requirements in subsections B, D and F  
6 of this section, notice of the emergency meeting can be made in the most expedient manner as  
7 determined by the City Manager and need not be seventy-two (72) hours in advance, but notice  
8 of the emergency special meeting must be given at least twenty-four (24) hours in advance if  
9 feasible. In any case, minutes of any emergency meeting must meet the requirements of ORS  
10 192.640(3) and 192.650.

11 F. Notice of Meetings. Advance notice of at least seventy-two (72) hours shall be provided for  
12 all meetings, except for emergency meetings. Notice shall be ~~sent to a newspaper with general~~  
13 ~~local circulation and~~ posted prominently on the City's website and at City Hall and City  
14 Council Chambers. In the case of an emergency or when a state of emergency has been  
15 declared, public notice appropriate to the circumstances shall be provided and reasons justifying  
16 the lack of seventy-two (72) hours' notice shall be included in the minutes of such meeting.

17 **SECTION 2. Codification.** In preparing this ordinance for publication and distribution, the  
18 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within  
19 such limitations, may:

- 20 (a) Renumber sections and parts of sections of the ordinance;
- 21 (b) Rearrange sections;
- 22 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 23 (d) Delete references to repealed sections;
- 24 (e) Substitute the proper subsection, section, or chapter numbers;
- 25 (f) Change capitalization and spelling for the purpose of uniformity;
- 26 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 27 (h) Correct manifest clerical, grammatical, or typographical errors.

28  
29 ///

30 ///

1 **SECTION 3. Severability.** Each section of this ordinance, and any part thereof, is severable,  
2 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the  
3 remainder of this ordinance shall remain in full force and effect.

4 ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

6 ATTEST:

9 \_\_\_\_\_  
10 Melissa Huhtala, City Recorder

12 SIGNED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.

15 \_\_\_\_\_  
16 Julie Akins, Mayor

18 Reviewed as to form:  
19  
20  
21

22 \_\_\_\_\_  
23 Katrina L. Brown, City Attorney  
24  
25  
26  
27  
28  
29  
30